

APR 18 2019



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**VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

April 15, 2019

Mel Levine, President  
Barbara E. Moschos, Secretary  
Board of Commissioners  
Los Angeles Department of Water and Power  
111 North Hope Street  
Room 1555-H, 15th Floor  
Los Angeles, CA 90012

David H. Wright, General Manager  
Los Angeles Department of Water and Power  
111 N. Hope Street  
Los Angeles, CA 90012

Katherine Rubin, Manager of Wastewater Quality  
and Compliance  
Los Angeles Department of Water and Power  
111 North Hope Street, Room 1213  
Los Angeles, CA 90012

Katherine Rubin, Manager of Wastewater Quality  
and Compliance  
Harbor Generating Station  
161 Island  
Wilmington, CA 90744

**Re: Notice of Violations and Intent to File Suit under the Federal Water  
Pollution Control Act**

Dear Mr. Levine, Ms. Moschos, Mr. Wright, and Ms. Rubin:

I am writing on behalf of Communities for a Better Environment ("CBE") in regard to violations of the Clean Water Act (the "Act" or "CWA") that CBE believes are occurring at Los Angeles Department of Water and Power's ("LADWP") Harbor Generating Station, an industrial facility located at 161 Island in Wilmington, California ("Facility"). This letter is being sent to LADWP as the responsible owners or operators of the Facility (all recipients are hereinafter collectively referred to as "LADWP").

This letter addresses LADWP's unlawful discharge of pollutants from the Facility into the Los Angeles Harbor. The Facility is discharging storm water pursuant to National Pollutant Discharge Elimination System ("NPDES") Permit No. CA S000001, State Water Resources Control Board ("State Board") Order No. 97-03-DWQ ("1997 Permit") as renewed by Order No. 2015-0057-DWQ ("2015 Permit"). The 1997 Permit was in effect between 1997 and June 30, 2015, and the 2015 Permit went into effect on July 1, 2015. As explained below, the 2015 Permit maintains or makes more stringent the same requirements as the 1997 Permit. As

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appropriate, CBE refers to the 1997 and 2015 Permits in this letter collectively as the “General Permit.” The Facility is engaged in ongoing violations of the substantive and procedural requirements of the General Permit.

Section 505(b) of the Clean Water Act requires a citizen to give notice of intent to file suit sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Act (33 U.S.C. § 1365(a)). Notice must be given to the alleged violator, the U.S. Environmental Protection Agency (“EPA”) and the state in which the violations occur.

As required by the Clean Water Act, this Notice of Violations and Intent to File Suit provides notice of the violations that have occurred, and continue to occur, at the Facility. Consequently, CBE hereby places LADWP on formal notice that, after the expiration of sixty days from the date of this Notice of Violations and Intent to Sue, CBE intends to file suit in federal court against LADWP under Section 505(a) of the Clean Water Act (33 U.S.C. § 1365(a)), for violations of the Clean Water Act and the General Permit. These violations are described more extensively below.

## **I. Background.**

### **A. Communities for a Better Environment**

CBE is a non-profit 501(c)(3) environmental justice organization, organized under the laws of California with its local office at 113 E. Anaheim Street, Wilmington, California 90744. Founded in California in 1978, CBE has approximately six thousand active members throughout the state, including many who live and/or recreate in and around Los Angeles County. CBE is dedicated to empowering low-income communities of color that seek a voice in determining the health of their air, water and land. At the behest of its members, for at least 30 years, CBE has sought to protect and promote water resources that are swimmable, drinkable, fishable, and sustainable. To further this mission, CBE actively seeks federal and state implementation of the Clean Water Act. Where necessary, CBE directly initiates enforcement actions on behalf of itself and its members.

Members of CBE reside in Wilmington and Los Angeles County, and near the Los Angeles Harbor and the San Pedro Bay (hereinafter “Receiving Waters”). As explained in detail below, the Facility continuously discharges pollutants into the Receiving Waters, in violation of the Clean Water Act and the General Permit. CBE members use the Receiving Waters to bird watch, view wildlife, hike, bike, walk, run, and sightsee, as well as for aesthetic enjoyment. Additionally, CBE members use local waters to engage in educational and scientific study through pollution and habitat monitoring and restoration activities. The unlawful discharge of pollutants from the Facility into the Receiving Waters impairs CBE’s members’ use and enjoyment of these waters. Thus, the interests of CBE’s members have been, are being, and will continue to be adversely affected by the Facility’s failure to comply with the Clean Water Act and the General Permit.

**B. Harbor Generating Station**

On information and belief, CBE alleges that the industrial processes that occur at the Harbor Generating Station include activities associated with natural gas-fueled, combined cycle, electric power generating. This includes activities occurring in several distinct areas at the Facility. Industrial activities also include fuel storage, hazardous waste management and disposal, maintenance, chemical unloading, and material handling and storage. The Facility's Storm Water Pollution Prevention Plan ("SWPPP") indicates that the Facility has the capacity to operate 24 hours a day, 365 days per year.

**C. Discharges from the Facility**

The Waste Discharger Identification Number ("WDID") for the Facility listed on documents submitted to the California Regional Water Quality Control Board, Los Angeles Region ("Regional Board") is 4 19I005196. On its Notice of Intent to comply with the General Permit ("NOI"), LADWP certifies that the Facility is classified under SIC Code 4911. The Facility occupies approximately 20.5 acres, which consist of the main Harbor Generating Station (15 acres), Fuel Storage North Area (1.5 acres), and Peaker Units 10-14 (4 acres). It collects and discharges storm water through at least eight discharge locations. On information and belief, CBE alleges the outfalls contain storm water that is commingled with runoff from the Facility from areas where industrial processes occur. Storm water discharged from the Facility flows into MS4 catch basins that discharge to the Los Angeles Harbor, which flows into San Pedro Bay.

**D. Waters Receiving the Facility's Discharges**

With every significant rainfall event millions of gallons of polluted storm water originating from industrial operations such as the Facility pour into storm drains and local waterways. The consensus among agencies and water quality specialists is that storm water pollution accounts for more than half of the total pollution entering surface waters each year. Such discharges of pollutants from industrial facilities contribute to the impairment of downstream waters and aquatic dependent wildlife. These contaminated discharges can and must be controlled for the ecosystem to regain its health.

The Regional Board has identified beneficial uses of the Los Angeles Harbor and the San Pedro Bay and established water quality standards for these waters in the "Water Quality Control Plan – Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties", generally referred to as the Basin Plan. See [http://www.waterboards.ca.gov/losangeles/water\\_issues/programs/basin\\_plan/](http://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/). The beneficial uses of these waters include, among others, water contact recreation, non-contact water recreation, commercial and sport fishing, marine habitat, and rare, threatened, or endangered species. The non-contact water recreation use is defined as "[u]ses of water for recreational activities involving proximity to water, but not normally involving contact with water where water ingestion is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tidepool and marine life study, hunting, sightseeing, or

aesthetic enjoyment in conjunction with the above activities.” *Id.* at 2-2. Contact recreation use includes fishing and wading. *Id.* Visible pollution, including visible sheens and cloudy or muddy water from industrial areas, impairs people’s use of the Receiving Waters for contact and non-contact water recreation.

The Basin Plan includes a narrative toxicity standard which states that “[a]ll waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in, human, plant, animal, or aquatic life.” *Id.* at 3-38. The Basin Plan includes a narrative oil and grease standard which states that “[w]aters shall not contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses.” *Id.* at 3-29. The Basin Plan provides that “[w]aters shall not contain suspended or settleable material in concentrations that cause nuisance or adversely affect beneficial uses.” *Id.* at 3-37. The Basin Plan provides that “[t]he pH of bays or estuaries shall not be depressed below 6.5 or raised above 8.5 as a result of waste discharges.” *Id.* at 3-35. The Basin Plan provides that “[s]urface waters shall not contain concentrations of chemical constituents in amounts that adversely affect any designated beneficial use.” *Id.* at 3-24. The Basin Plan provides that “[w]aters shall not contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.” *Id.* at 3-26. The Basin Plan provides that “[w]aters shall be free of coloration that causes nuisance or adversely affects beneficial uses.” *Id.* at 3-25. The Basin Plan provides that “[w]aters shall not contain taste or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible aquatic resources, cause nuisance, or adversely affect beneficial uses.” *Id.* at 3-37. The Basin Plan provides that “[w]aters shall not contain biostimulatory substances in concentrations that promote aquatic growth to the extent that such growth causes nuisance or adversely affects beneficial uses.” *Id.* at 3-24.

For marine waters designated for water contact recreation, the Basin Plan provides water quality objectives for total and fecal coliform bacteria. The Basin Plan provides the following single sample limits:

- a. Total coliform density shall not exceed 10,000/100 ml.*
- b. Fecal coliform density shall not exceed 400/100 ml.*
- c. Enterococcus density shall not exceed 104/100 ml.*
- d. Total coliform density shall not exceed 1,000/100 ml, if the ratio of fecal-to-total coliform exceeds 0.1.*

*Id.* at 3-22 (emphasis original).

For discharges of polychlorinated biphenyls (“PCBs”) to estuarine waters, the Basin Plan provides that for “[p]ass-through or uncontrollable discharges to waters of the Region, or at locations where the waste can subsequently reach water of the Region, are limited to...30 ng/L (daily average)” to protect aquatic life. *Id.* at 3-35.<sup>1</sup>

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<sup>1</sup> 30 ng/L is equivalent to 0.03 µg/L.

For discharges of un-ionized ammonia to inland surface waters not characteristic of freshwater, the Basin Plan provides that “the one-hour average concentration shall not exceed 0.233 mg/L.” *Id.* at 3-4 – 3-5.

The EPA has adopted saltwater numeric water quality standards for copper of 0.0048 mg/L (Criteria Maximum Concentration – “CMC”); and zinc of 0.09 mg/L (CMC). 65 Fed. Reg. 31712 (May 18, 2000) (California Toxics Rule). The California Toxics Rule (“CTR”) also provides a water quality standard for PCBs of 0.00017 µg/L (Human Health – for consumption of Organisms Only).

The EPA 303(d) List of Water Quality Limited Segments lists the Los Angeles/Long Beach Inner Harbor as impaired for copper, PCBs, toxicity, and zinc, among other pollutants. *See* [https://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2014\\_2016.shtml](https://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2014_2016.shtml). San Pedro Bay is impaired for toxicity and PCBs, among other pollutants.

The EPA has published benchmark levels as guidelines for determining whether a facility discharging industrial storm water has implemented the requisite best available technology economically achievable (“BAT”) and best conventional pollutant control technology (“BCT”).<sup>2</sup> The following benchmarks have been established for the following pollutants discharged by the Harbor Generating Station: pH – 6.0 - 9.0 standard units (“s.u.”); total suspended solids (“TSS”) – 100 mg/L; oil and grease (“O&G”) – 15 mg/L; chemical oxygen demand (“COD”) – 120 mg/L; iron – 1.0 mg/L; aluminum – 0.75 mg/L; zinc – 0.26 mg/L; lead – 0.262 mg/L; nitrate + nitrite as nitrogen (“N+N”) – 0.68 mg/L; magnesium – 0.064 mg/L; and copper – 0.0332 mg/L.

These benchmarks are reflected in the 2015 Permit in the form of Numeric Action Levels (“NALs”). The 2015 Permit incorporates annual NALs, which reflect the 2008 EPA Multi-Sector General Permit benchmark values, and instantaneous maximum NALs, which are derived from a Water Board dataset. The following annual NALs have been established under the 2015 Permit: TSS – 100 mg/L; O&G – 15 mg/L; COD – 120 mg/L; iron – 1.0 mg/L; aluminum – 0.75 mg/L; zinc – 0.26 mg/L; lead – 0.262 mg/L; N+N – 0.68 mg/L; magnesium – 0.064 mg/L. The 2015 Permit also establishes the following instantaneous maximum NALs: pH – 6.0-9.0 s.u.; TSS – 400 mg/L; and oil & grease (“O&G”) – 25 mg/L.

## **II. Alleged Violations of the General Permit.**

### **A. Discharges in Violation of the Permit.**

LADWP has violated and continues to violate the terms and conditions of the General Permit. Section 402(p) of the Act prohibits the discharge of storm water associated with industrial activities, except as permitted under an NPDES permit (33 U.S.C. § 1342) such as the General Permit. The General Permit prohibits any discharges of storm water associated with

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<sup>2</sup> The Benchmark Values can be found at [http://www.epa.gov/npdes/pubs/msgp2008\\_finalpermit.pdf](http://www.epa.gov/npdes/pubs/msgp2008_finalpermit.pdf).

industrial activities or authorized non-storm water discharges that have not been subjected to BAT or BCT. Effluent Limitation B.3 of the 1997 Permit requires dischargers to reduce or prevent pollutants in their storm water discharges through implementation of BAT for toxic and nonconventional pollutants and BCT for conventional pollutants. The 2015 Permit includes the same effluent limitation. 2015 Permit, Effluent Limitation V.A. BAT and BCT include both nonstructural and structural measures. 1997 Permit, Section A.8; 2015 Permit, Section X.H. Conventional pollutants are TSS, O&G, pH, biochemical oxygen demand, and fecal coliform. 40 C.F.R. § 401.16. All other pollutants are either toxic or nonconventional. *Id.*; 40 C.F.R. § 401.15.

In addition, Discharge Prohibition A.1 of the 1997 Permit and Discharge Prohibition III.B of the 2015 Permit prohibit the discharge of materials other than storm water (defined as non-storm water discharges) that discharge either directly or indirectly to waters of the United States. Discharge Prohibition A.2 of the 1997 Permit and Discharge Prohibition III.C of the 2015 Permit prohibit storm water discharges and authorized non-storm water discharges that cause or threaten to cause pollution, contamination, or nuisance.

Receiving Water Limitation C.1 of the 1997 Permit and Receiving Water Limitation VI.B of the 2015 Permit prohibit storm water discharges and authorized non-storm water discharges that adversely impact human health or the environment. Receiving Water Limitation C.2 of the 1997 Permit and Receiving Water Limitation VI.A and Discharge Prohibition III.D of the 2015 Permit also prohibit storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of any applicable water quality standards. The General Permit does not authorize the application of any mixing zones for complying with Receiving Water Limitation C.2 of the 1997 Permit and Receiving Water Limitation VI.A of the 2015 Permit. As a result, compliance with this provision is measured at the Facility's discharge monitoring locations.

The Facility has discharged and continues to discharge storm water with unacceptable levels of pH, zinc, copper, ammonia, coliform, fecal coliform, enterococcus, TSS, iron, aluminum, N+N, magnesium, and COD in violation of the General Permit. LADWP's sampling and analysis results reported to the Regional Board confirm discharges of specific pollutants and materials other than storm water in violation of the Permit provisions listed above. Self-monitoring reports under the Permit are deemed "conclusive evidence of an exceedance of a permit limitation." *Sierra Club v. Union Oil*, 813 F.2d 1480, 1493 (9th Cir. 1988).

The following discharges of pollutants from the Facility have contained measurements of pollutants in excess of applicable numerical water quality standards established in the Basin Plan and the California Toxics Rule. They have thus violated Discharge Prohibitions A.2 and Receiving Water Limitations C.1 and C.2 of the 1997 Permit; Discharge Prohibitions III.C and III.D and Receiving Water Limitations VI.A, VI.B, and VI.C of the 2015 Permit; and are evidence of ongoing violations of Effluent Limitation B.3 of the 1997 Permit, and Effluent Limitation V.A of the 2015 Permit.

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Sampling Date	Parameter	Observed Concentration	Basin Plan Water Quality Objective / CTR	Outfall (as identified by the Facility)
1/9/2018	pH	6.4	6.5 – 8.5	Harbor Site 5
2/17/2017	pH	6.4	6.5 – 8.5	Location 6
2/17/2017	pH	5.9	6.5 – 8.5	Location 7
2/17/2017	pH	5.8	6.5 – 8.5	Location 8
2/3/2017	pH	6.4	6.5 – 8.5	Location 2
2/3/2017	pH	6.1	6.5 – 8.5	Location 3
1/20/2017	pH	6.4	6.5 – 8.5	Location 7
1/20/2017	pH	6.1	6.5 – 8.5	Location 4
1/19/2017	pH	6.3	6.5 – 8.5	Location 3
1/12/2017	pH	6.3	6.5 – 8.5	Location 1
1/12/2017	pH	6.4	6.5 – 8.5	Location 3
1/2/2017	pH	6.3	6.5 – 8.5	Location 2
12/22/2016	pH	5.4	6.5 – 8.5	Location 7
12/22/2016	pH	5.8	6.5 – 8.5	Location 8
12/22/2016	pH	4.6	6.5 – 8.5	Location 4
12/16/2016	pH	5.3	6.5 – 8.5	Location 5
12/16/2016	pH	4.3	6.5 – 8.5	Location 6
12/16/2016	pH	4.4	6.5 – 8.5	Location 7
12/16/2016	pH	4.3	6.5 – 8.5	Location 8
12/16/2016	pH	4.1	6.5 – 8.5	Location 1
12/15/2016	pH	4.3	6.5 – 8.5	Location 2
12/15/2016	pH	4.9	6.5 – 8.5	Location 3
11/26/2016	pH	5.9	6.5 – 8.5	Location 3
11/26/2016	pH	6.4	6.5 – 8.5	Location 5
11/20/2016	pH	5.8	6.5 – 8.5	Location 2
3/6/2016	pH	6.3	6.5 – 8.5	Location 1
1/5/2016	pH	6.2	6.5 – 8.5	Location 3
1/5/2016	pH	6.2	6.5 – 8.5	Location 7
1/5/2016	pH	6	6.5 – 8.5	Location 8
3/22/2018	Zinc	0.34 mg/L	0.09 mg/L	Harbor Site 1
3/22/2018	Zinc	0.72 mg/L	0.09 mg/L	Harbor Site 2
3/22/2018	Zinc	0.78 mg/L	0.09 mg/L	Harbor Site 4
3/22/2018	Zinc	1.5 mg/L	0.09 mg/L	Harbor Site 6
1/9/2018	Zinc	1.1 mg/L	0.09 mg/L	Harbor Site 1
1/9/2018	Zinc	1.2 mg/L	0.09 mg/L	Harbor Site 2
1/9/2018	Zinc	3.1 mg/L	0.09 mg/L	Harbor Site 4
1/9/2018	Zinc	1.3 mg/L	0.09 mg/L	Harbor Site 5
1/9/2018	Zinc	1.4 mg/L	0.09 mg/L	Harbor Site 6
1/9/2018	Zinc	2.7 mg/L	0.09 mg/L	Harbor Site 7
1/9/2018	Zinc	2.5 mg/L	0.09 mg/L	Harbor Site 8
2/18/2017	Zinc	0.33 mg/L	0.09 mg/L	Location 4

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2/17/2017	Zinc	1.3 mg/L	0.09 mg/L	Location 1
2/17/2017	Zinc	3.3 mg/L	0.09 mg/L	Location 2
2/17/2017	Zinc	0.49 mg/L	0.09 mg/L	Location 3
2/17/2017	Zinc	0.38 mg/L	0.09 mg/L	Location 5
2/17/2017	Zinc	0.6 mg/L	0.09 mg/L	Location 6
2/17/2017	Zinc	0.98 mg/L	0.09 mg/L	Location 7
2/17/2017	Zinc	0.84 mg/L	0.09 mg/L	Location 8
2/10/2017	Zinc	0.45 mg/L	0.09 mg/L	Location 1
2/10/2017	Zinc	0.32 mg/L	0.09 mg/L	Location 3
2/10/2017	Zinc	0.37 mg/L	0.09 mg/L	Location 4
2/10/2017	Zinc	0.28 mg/L	0.09 mg/L	Location 5
2/10/2017	Zinc	0.41 mg/L	0.09 mg/L	Location 6
2/3/2017	Zinc	0.27 mg/L	0.09 mg/L	Location 1
2/3/2017	Zinc	0.72 mg/L	0.09 mg/L	Location 2
2/3/2017	Zinc	0.26 mg/L	0.09 mg/L	Location 3
2/3/2017	Zinc	1.7 mg/L	0.09 mg/L	Location 4
2/3/2017	Zinc	0.35 mg/L	0.09 mg/L	Location 5
2/3/2017	Zinc	0.36 mg/L	0.09 mg/L	Location 6
2/3/2017	Zinc	0.59 mg/L	0.09 mg/L	Location 7
2/3/2017	Zinc	0.4 mg/L	0.09 mg/L	Location 8
1/20/2017	Zinc	0.38 mg/L	0.09 mg/L	Location 7
1/20/2017	Zinc	0.28 mg/L	0.09 mg/L	Location 4
1/20/2017	Zinc	0.36 mg/L	0.09 mg/L	Location 5
1/20/2017	Zinc	1.2 mg/L	0.09 mg/L	Location 8
1/19/2017	Zinc	0.34 mg/L	0.09 mg/L	Location 1
1/19/2017	Zinc	0.34 mg/L	0.09 mg/L	Location 2
1/19/2017	Zinc	0.22 mg/L	0.09 mg/L	Location 3
1/19/2017	Zinc	0.46 mg/L	0.09 mg/L	Location 6
1/12/2017	Zinc	0.23 mg/L	0.09 mg/L	Location 1
1/12/2017	Zinc	0.36 mg/L	0.09 mg/L	Location 3
1/12/2017	Zinc	0.57 mg/L	0.09 mg/L	Location 4
1/12/2017	Zinc	0.81 mg/L	0.09 mg/L	Location 5
1/12/2017	Zinc	0.46 mg/L	0.09 mg/L	Location 6
1/2/2017	Zinc	0.66 mg/L	0.09 mg/L	Location 2
12/22/2016	Zinc	1.6 mg/L	0.09 mg/L	Location 7
12/22/2016	Zinc	1 mg/L	0.09 mg/L	Location 8
12/16/2016	Zinc	1 mg/L	0.09 mg/L	Location 4
12/16/2016	Zinc	0.8 mg/L	0.09 mg/L	Location 5
12/16/2016	Zinc	0.41 mg/L	0.09 mg/L	Location 6
12/16/2016	Zinc	1 mg/L	0.09 mg/L	Location 7
12/16/2016	Zinc	1.5 mg/L	0.09 mg/L	Location 8
12/15/2016	Zinc	1.5 mg/L	0.09 mg/L	Location 1
12/15/2016	Zinc	1 mg/L	0.09 mg/L	Location 2

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12/15/2016	Zinc	0.29 mg/L	0.09 mg/L	Location 3
11/26/2016	Zinc	0.6 mg/L	0.09 mg/L	Location 1
11/26/2016	Zinc	0.48 mg/L	0.09 mg/L	Location 3
11/26/2016	Zinc	0.34 mg/L	0.09 mg/L	Location 5
11/26/2016	Zinc	1.4 mg/L	0.09 mg/L	Location 6
11/20/2016	Zinc	1.8 mg/L	0.09 mg/L	Location 2
11/20/2016	Zinc	1.1 mg/L	0.09 mg/L	Location 4
3/6/2016	Zinc	0.57 mg/L	0.09 mg/L	Location 1
3/6/2016	Zinc	1.3 mg/L	0.09 mg/L	Location 2
3/6/2016	Zinc	2.9 mg/L	0.09 mg/L	Location 3
3/6/2016	Zinc	1.6 mg/L	0.09 mg/L	Location 4
3/6/2016	Zinc	0.36 mg/L	0.09 mg/L	Location 5
3/6/2016	Zinc	0.7 mg/L	0.09 mg/L	Location 6
3/6/2016	Zinc	4.4 mg/L	0.09 mg/L	Location 7
3/6/2016	Zinc	0.6 mg/L	0.09 mg/L	Location 8
1/5/2016	Zinc	1.2 mg/L	0.09 mg/L	Location 1
1/5/2016	Zinc	0.62 mg/L	0.09 mg/L	Location 2
1/5/2016	Zinc	1 mg/L	0.09 mg/L	Location 3
1/5/2016	Zinc	2.4 mg/L	0.09 mg/L	Location 4
1/5/2016	Zinc	2.6 mg/L	0.09 mg/L	Location 5
1/5/2016	Zinc	0.73 mg/L	0.09 mg/L	Location 6
1/5/2016	Zinc	3.1 mg/L	0.09 mg/L	Location 7
1/5/2016	Zinc	1.7 mg/L	0.09 mg/L	Location 8
12/30/2014	Zinc	0.48 mg/L	0.09 mg/L	Site #1
12/30/2014	Zinc	25 mg/L	0.09 mg/L	Site #2
12/30/2014	Zinc	0.4 mg/L	0.09 mg/L	Site #3
12/30/2014	Zinc	4.9 mg/L	0.09 mg/L	Site #4
12/30/2014	Zinc	0.45 mg/L	0.09 mg/L	Site #5
12/30/2014	Zinc	1.2 mg/L	0.09 mg/L	Site #6
12/30/2014	Zinc	0.62 mg/L	0.09 mg/L	Site #7
12/30/2014	Zinc	1.3 mg/L	0.09 mg/L	Site #8
11/1/2014	Zinc	5 mg/L	0.09 mg/L	Site #1
11/1/2014	Zinc	1.2 mg/L	0.09 mg/L	Site #2
11/1/2014	Zinc	1 mg/L	0.09 mg/L	Site #3
11/1/2014	Zinc	6.3 mg/L	0.09 mg/L	Site #4
11/1/2014	Zinc	1.8 mg/L	0.09 mg/L	Site #5
11/1/2014	Zinc	2.7 mg/L	0.09 mg/L	Site #6
11/1/2014	Zinc	11 mg/L	0.09 mg/L	Site #7
11/1/2014	Zinc	7.2 mg/L	0.09 mg/L	Site #8
3/22/2018	Copper	0.02 mg/L	0.0048 mg/L	Harbor Site 1
3/22/2018	Copper	0.019 mg/L	0.0048 mg/L	Harbor Site 2
3/22/2018	Copper	0.062 mg/L	0.0048 mg/L	Harbor Site 4
3/22/2018	Copper	0.047 mg/L	0.0048 mg/L	Harbor Site 6

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1/9/2018	Copper	0.019 mg/L	0.0048 mg/L	Harbor Site 1
1/9/2018	Copper	0.026 mg/L	0.0048 mg/L	Harbor Site 2
1/9/2018	Copper	0.16 mg/L	0.0048 mg/L	Harbor Site 4
1/9/2018	Copper	0.033 mg/L	0.0048 mg/L	Harbor Site 5
1/9/2018	Copper	0.025 mg/L	0.0048 mg/L	Harbor Site 6
1/9/2018	Copper	0.042 mg/L	0.0048 mg/L	Harbor Site 7
1/9/2018	Copper	0.035 mg/L	0.0048 mg/L	Harbor Site 8
2/18/2017	Copper	0.014 mg/L	0.0048 mg/L	Location 4
2/17/2017	Copper	0.12 mg/L	0.0048 mg/L	Location 1
2/17/2017	Copper	0.29 mg/L	0.0048 mg/L	Location 2
2/17/2017	Copper	0.014 mg/L	0.0048 mg/L	Location 5
2/17/2017	Copper	0.014 mg/L	0.0048 mg/L	Location 6
2/17/2017	Copper	0.011 mg/L	0.0048 mg/L	Location 7
2/17/2017	Copper	0.026 mg/L	0.0048 mg/L	Location 8
2/10/2017	Copper	0.035 mg/L	0.0048 mg/L	Location 1
2/10/2017	Copper	0.042 mg/L	0.0048 mg/L	Location 3
2/10/2017	Copper	0.027 mg/L	0.0048 mg/L	Location 4
2/10/2017	Copper	0.018 mg/L	0.0048 mg/L	Location 5
2/10/2017	Copper	0.015 mg/L	0.0048 mg/L	Location 6
2/3/2017	Copper	0.018 mg/L	0.0048 mg/L	Location 1
2/3/2017	Copper	0.015 mg/L	0.0048 mg/L	Location 2
2/3/2017	Copper	0.027 mg/L	0.0048 mg/L	Location 3
2/3/2017	Copper	0.057 mg/L	0.0048 mg/L	Location 4
2/3/2017	Copper	0.021 mg/L	0.0048 mg/L	Location 5
2/3/2017	Copper	0.013 mg/L	0.0048 mg/L	Location 6
2/3/2017	Copper	0.018 mg/L	0.0048 mg/L	Location 7
2/3/2017	Copper	0.0087 mg/L	0.0048 mg/L	Location 8
1/20/2017	Copper	0.0063 mg/L	0.0048 mg/L	Location 4
1/20/2017	Copper	0.011 mg/L	0.0048 mg/L	Location 5
1/20/2017	Copper	0.035 mg/L	0.0048 mg/L	Location 8
1/19/2017	Copper	0.03 mg/L	0.0048 mg/L	Location 1
1/19/2017	Copper	0.0089 mg/L	0.0048 mg/L	Location 2
1/19/2017	Copper	0.022 mg/L	0.0048 mg/L	Location 3
1/19/2017	Copper	0.0098 mg/L	0.0048 mg/L	Location 6
1/12/2017	Copper	0.012 mg/L	0.0048 mg/L	Location 1
1/12/2017	Copper	0.021 mg/L	0.0048 mg/L	Location 3
1/12/2017	Copper	0.014 mg/L	0.0048 mg/L	Location 4
1/12/2017	Copper	0.028 mg/L	0.0048 mg/L	Location 5
1/2/2017	Copper	0.0055 mg/L	0.0048 mg/L	Location 2
12/22/2016	Copper	0.26 mg/L	0.0048 mg/L	Location 7
12/22/2016	Copper	0.029 mg/L	0.0048 mg/L	Location 8
12/16/2016	Copper	0.067 mg/L	0.0048 mg/L	Location 4
12/16/2016	Copper	0.036 mg/L	0.0048 mg/L	Location 5

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12/16/2016	Copper	0.012 mg/L	0.0048 mg/L	Location 6
12/16/2016	Copper	0.033 mg/L	0.0048 mg/L	Location 7
12/16/2016	Copper	0.045 mg/L	0.0048 mg/L	Location 8
12/15/2016	Copper	0.22 mg/L	0.0048 mg/L	Location 1
12/15/2016	Copper	0.03 mg/L	0.0048 mg/L	Location 2
12/15/2016	Copper	0.016 mg/L	0.0048 mg/L	Location 3
11/26/2016	Copper	0.018 mg/L	0.0048 mg/L	Location 1
11/26/2016	Copper	0.026 mg/L	0.0048 mg/L	Location 3
11/26/2016	Copper	0.01 mg/L	0.0048 mg/L	Location 5
11/26/2016	Copper	0.05 mg/L	0.0048 mg/L	Location 6
11/20/2016	Copper	0.046 mg/L	0.0048 mg/L	Location 2
11/20/2016	Copper	0.035 mg/L	0.0048 mg/L	Location 4
3/6/2016	Copper	0.06 mg/L	0.0048 mg/L	Location 1
3/6/2016	Copper	0.18 mg/L	0.0048 mg/L	Location 2
3/6/2016	Copper	0.062 mg/L	0.0048 mg/L	Location 3
3/6/2016	Copper	0.078 mg/L	0.0048 mg/L	Location 4
3/6/2016	Copper	0.024 mg/L	0.0048 mg/L	Location 5
3/6/2016	Copper	0.025 mg/L	0.0048 mg/L	Location 6
3/6/2016	Copper	0.038 mg/L	0.0048 mg/L	Location 7
3/6/2016	Copper	0.017 mg/L	0.0048 mg/L	Location 8
1/5/2016	Copper	0.062 mg/L	0.0048 mg/L	Location 1
1/5/2016	Copper	0.034 mg/L	0.0048 mg/L	Location 2
1/5/2016	Copper	0.11 mg/L	0.0048 mg/L	Location 3
1/5/2016	Copper	0.14 mg/L	0.0048 mg/L	Location 4
1/5/2016	Copper	0.077 mg/L	0.0048 mg/L	Location 5
1/5/2016	Copper	0.023 mg/L	0.0048 mg/L	Location 6
1/5/2016	Copper	0.082 mg/L	0.0048 mg/L	Location 7
1/5/2016	Copper	0.056 mg/L	0.0048 mg/L	Location 8
12/30/2014	Copper	0.053 mg/L	0.0048 mg/L	Site #1
12/30/2014	Copper	0.35 mg/L	0.0048 mg/L	Site #2
12/30/2014	Copper	0.027 mg/L	0.0048 mg/L	Site #3
12/30/2014	Copper	0.66 mg/L	0.0048 mg/L	Site #4
12/30/2014	Copper	0.031 mg/L	0.0048 mg/L	Site #5
12/30/2014	Copper	0.067 mg/L	0.0048 mg/L	Site #6
12/30/2014	Copper	0.039 mg/L	0.0048 mg/L	Site #7
12/30/2014	Copper	0.03 mg/L	0.0048 mg/L	Site #8
11/1/2014	Copper	0.14 mg/L	0.0048 mg/L	Site #1
11/1/2014	Copper	0.079 mg/L	0.0048 mg/L	Site #2
11/1/2014	Copper	0.054 mg/L	0.0048 mg/L	Site #3
11/1/2014	Copper	0.085 mg/L	0.0048 mg/L	Site #4
11/1/2014	Copper	0.071 mg/L	0.0048 mg/L	Site #5
11/1/2014	Copper	0.063 mg/L	0.0048 mg/L	Site #6
11/1/2014	Copper	0.09 mg/L	0.0048 mg/L	Site #7

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11/1/2014	Copper	0.17 mg/L	0.0048 mg/L	Site #8
1/9/2018	Ammonia	0.6 mg/L	0.233 mg/L	Harbor Site 1
1/9/2018	Ammonia	0.5 mg/L	0.233 mg/L	Harbor Site 2
1/9/2018	Ammonia	0.5 mg/L	0.233 mg/L	Harbor Site 4
1/9/2018	Ammonia	0.3 mg/L	0.233 mg/L	Harbor Site 5
1/9/2018	Ammonia	0.4 mg/L	0.233 mg/L	Harbor Site 6
1/9/2018	Ammonia	0.5 mg/L	0.233 mg/L	Harbor Site 8
2/17/2017	Ammonia	0.4 mg/L	0.233 mg/L	Location 3
2/17/2017	Ammonia	0.3 mg/L	0.233 mg/L	Location 6
2/17/2017	Ammonia	0.5 mg/L	0.233 mg/L	Location 8
2/10/2017	Ammonia	0.45 mg/L	0.233 mg/L	Location 1
2/10/2017	Ammonia	0.61 mg/L	0.233 mg/L	Location 4
2/10/2017	Ammonia	0.59 mg/L	0.233 mg/L	Location 5
2/10/2017	Ammonia	0.57 mg/L	0.233 mg/L	Location 6
2/3/2017	Ammonia	0.6 mg/L	0.233 mg/L	Location 1
2/3/2017	Ammonia	0.8 mg/L	0.233 mg/L	Location 3
2/3/2017	Ammonia	0.6 mg/L	0.233 mg/L	Location 4
2/3/2017	Ammonia	0.6 mg/L	0.233 mg/L	Location 5
2/3/2017	Ammonia	0.8 mg/L	0.233 mg/L	Location 6
2/3/2017	Ammonia	0.9 mg/L	0.233 mg/L	Location 7
2/3/2017	Ammonia	0.6 mg/L	0.233 mg/L	Location 8
1/20/2017	Ammonia	0.5 mg/L	0.233 mg/L	Location 8
1/12/2017	Ammonia	0.6 mg/L	0.233 mg/L	Location 1
1/12/2017	Ammonia	0.6 mg/L	0.233 mg/L	Location 3
1/12/2017	Ammonia	0.7 mg/L	0.233 mg/L	Location 6
1/2/2017	Ammonia	0.6 mg/L	0.233 mg/L	Location 2
12/16/2016	Ammonia	1 mg/L	0.233 mg/L	Location 6
12/16/2016	Ammonia	0.8 mg/L	0.233 mg/L	Location 8
12/15/2016	Ammonia	1.1 mg/L	0.233 mg/L	Location 1
12/15/2016	Ammonia	1 mg/L	0.233 mg/L	Location 2
11/26/2016	Ammonia	0.98 mg/L	0.233 mg/L	Location 1
11/26/2016	Ammonia	0.83 mg/L	0.233 mg/L	Location 3
11/26/2016	Ammonia	1.1 mg/L	0.233 mg/L	Location 5
11/26/2016	Ammonia	0.82 mg/L	0.233 mg/L	Location 6
11/20/2016	Ammonia	0.99 mg/L	0.233 mg/L	Location 2
11/20/2016	Ammonia	0.76 mg/L	0.233 mg/L	Location 4
1/5/2016	Ammonia	0.7 mg/L	0.233 mg/L	Location 1
1/5/2016	Ammonia	0.8 mg/L	0.233 mg/L	Location 2
1/5/2016	Ammonia	0.6 mg/L	0.233 mg/L	Location 3
1/5/2016	Ammonia	0.4 mg/L	0.233 mg/L	Location 4
1/5/2016	Ammonia	0.4 mg/L	0.233 mg/L	Location 5
1/5/2016	Ammonia	0.5 mg/L	0.233 mg/L	Location 6
1/5/2016	Ammonia	0.6 mg/L	0.233 mg/L	Location 7

1/5/2016	Ammonia	0.6 mg/L	0.233 mg/L	Location 8
3/22/2018	PCBs	1.3	0.03 µg/L	Harbor Site 1
3/22/2018	PCBs	1.3	0.00017 µg/L	Harbor Site 1
3/22/2018	PCBs	1.4	0.03 µg/L	Harbor Site 2
3/22/2018	PCBs	1.4	0.00017 µg/L	Harbor Site 2
1/9/2018	Total Coliform Density	16,000/100 ml	10,000/100 ml	Harbor Site 1
1/9/2018	Total Coliform Density	>16,000/100 ml	10,000/100 ml	Harbor Site 2
3/22/2018	Total Coliform Density	2,400/100 ml	1,000/100 ml, when the ratio of fecal-to-coliform exceeds 0.1	Harbor Site 1
3/22/2018	Total Coliform Density	2,400/100 ml	1,000/100 ml, when the ratio of fecal-to-coliform exceeds 0.1	Harbor Site 2
3/22/2018	Total Coliform Density	9,200/100 ml	1,000/100 ml, when the ratio of fecal-to-coliform exceeds 0.1	Harbor Site 6
1/9/2018	Total Coliform Density	2,400/100 ml	1,000/100 ml, when the ratio of fecal-to-coliform exceeds 0.1	Harbor Site 6
3/22/2018	Fecal Coliform Density	2,400/100 ml	400/100 ml	Harbor Site 1
3/22/2018	Fecal Coliform Density	790/100 ml	400/100 ml	Harbor Site 2
3/22/2018	Fecal Coliform Density	3,500/100 ml	400/100 ml	Harbor Site 6
1/9/2018	Fecal Coliform Density	5,400/100 ml	400/100 ml	Harbor Site 1
1/9/2018	Fecal Coliform Density	16,000/100 ml	400/100 ml	Harbor Site 2
1/9/2018	Fecal Coliform Density	1,300/100 ml	400/100 ml	Harbor Site 6
3/22/2018	Enterococcus Density	3,100/100 ml	104/100 ml	Harbor Site 1
3/22/2018	Enterococcus Density	2,500/100 ml	104/100 ml	Harbor Site 2
3/22/2018	Enterococcus Density	1,100/100 ml	104/100 ml	Harbor Site 4

3/22/2018	Enterococcus Density	16,000/100 ml	104/100 ml	Harbor Site 6
1/9/2018	Enterococcus Density	5,500/100 ml	104/100 ml	Harbor Site 1
1/9/2018	Enterococcus Density	9,200/100 ml	104/100 ml	Harbor Site 2
1/9/2018	Enterococcus Density	1,200/100 ml	104/100 ml	Harbor Site 4
1/9/2018	Enterococcus Density	330/100 ml	104/100 ml	Harbor Site 5
1/9/2018	Enterococcus Density	960/100 ml	104/100 ml	Harbor Site 6

The information in the above table reflects data gathered from the Facility's self-monitoring during the 2014-2015 wet season, as well as the 2015-2016, 2016-2017, and 2017-2018 reporting years.<sup>3</sup> CBE alleges that since at least April 15, 2014, and continuing through today, the Facility has discharged storm water contaminated with pollutants at levels that exceed one or more applicable water quality standards, including but not limited to each of the following:

- pH – 6.5 – 8.5 (Basin Plan at 3-35)
- Zinc – 0.09 mg/L (CMC)
- Copper – 0.0048 mg/L (CMC)
- Ammonia – 0.233 mg/L (one-hour average concentration)
- PCBs – 0.00017 µg/L (Human Health – Consumption of Organisms Only)
- PCBs – 0.03 µg/L (30 ng/L) (Basin Plan at 3-35)
- Total Coliform Density – 10,000/100 ml
- Total Coliform Density – 1,000/100 ml (if the ratio of fecal-to-total coliform exceeds 0.1)
- Fecal Coliform Density – 400/100 ml
- Enterococcus Density – 104/100 ml

The following discharges of pollutants from the Facility have violated Discharge Prohibitions A.1 and A.2 and Receiving Water Limitations C.1 and C.2 of the 1997 Permit; Discharge Prohibitions III.B and III.C and Receiving Water Limitations VI.A and VI.B of the 2015 Permit; and are evidence of ongoing violations of Effluent Limitation B.3 of the 1997 Permit and Effluent Limitation V.A of the 2015 Permit.

<sup>3</sup> At this point, the Facility has failed to submit any records of storm water sampling for the 2018-2019 reporting year. On information and belief, CBE alleges that to the extent that the Facility did collect and analyze storm water samples during the 2018-2019 reporting year that many of these samples would violate applicable water quality standards as alleged in this table.

Sampling Date	Parameter	Observed Concentration	EPA Benchmark Value /Annual NAL	Outfall (as identified by the Facility)
2/17/2017	pH	5.9	6.0 – 9.0 <sup>4</sup>	Location 7
2/17/2017	pH	5.8	6.0 – 9.0	Location 8
12/22/2016	pH	5.4	6.0 – 9.0	Location 7
12/22/2016	pH	5.8	6.0 – 9.0	Location 8
12/16/2016	pH	4.6	6.0 – 9.0	Location 4
12/16/2016	pH	5.3	6.0 – 9.0	Location 5
12/16/2016	pH	4.3	6.0 – 9.0	Location 6
12/16/2016	pH	4.4	6.0 – 9.0	Location 7
12/16/2016	pH	4.3	6.0 – 9.0	Location 8
12/15/2016	pH	4.1	6.0 – 9.0	Location 1
12/15/2016	pH	4.3	6.0 – 9.0	Location 2
12/15/2016	pH	4.9	6.0 – 9.0	Location 3
11/26/2016	pH	5.9	6.0 – 9.0	Location 3
11/20/2016	pH	5.8	6.0 – 9.0	Location 2
3/22/2018	Total Suspended Solids	101 mg/L	100 mg/L	Harbor Site 2
1/9/2018	Total Suspended Solids	306 mg/L	100 mg/L	Harbor Site 4
1/9/2018	Total Suspended Solids	314 mg/L	100 mg/L	Harbor Site 5
2017-2018 Reporting Year	Total Suspended Solids	107.9 mg/L	100 mg/L	All discharge points <sup>5</sup>
2/17/2017	Total Suspended Solids	296 mg/L	100 mg/L	Location 1
2/3/2017	Total Suspended Solids	212 mg/L	100 mg/L	Location 5
12/22/2016	Total Suspended Solids	103 mg/L	100 mg/L	Location 7
12/16/2016	Total Suspended Solids	179 mg/L	100 mg/L	Location 5
12/15/2016	Total Suspended Solids	168 mg/L	100 mg/L	Location 1
11/20/2016	Total Suspended Solids	101 mg/L	100 mg/L	Location 2
3/6/2016	Total Suspended Solids	164 mg/L	100 mg/L	Location 1
3/6/2016	Total Suspended Solids	288 mg/L	100 mg/L	Location 2
3/6/2016	Total Suspended Solids	192 mg/L	100 mg/L	Location 3
3/6/2016	Total Suspended Solids	129 mg/L	100 mg/L	Location 4
3/6/2016	Total Suspended Solids	389 mg/L	100 mg/L	Location 5
3/6/2016	Total Suspended Solids	172 mg/L	100 mg/L	Location 6
3/6/2016	Total Suspended Solids	265 mg/L	100 mg/L	Location 7
3/6/2016	Total Suspended Solids	493 mg/L	100 mg/L	Location 8
1/5/2016	Total Suspended Solids	248 mg/L	100 mg/L	Location 1
1/5/2016	Total Suspended Solids	171 mg/L	100 mg/L	Location 2

<sup>4</sup> The values for pH in this table represent the instantaneous NAL for pH.

<sup>5</sup> This value is represents the average of all TSS measurements taken at the Facility during the 2017-2018 reporting year and is higher than 100 mg/L, the annual NAL for TSS.

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1/5/2016	Total Suspended Solids	340 mg/L	100 mg/L	Location 3
1/5/2016	Total Suspended Solids	131 mg/L	100 mg/L	Location 5
1/5/2016	Total Suspended Solids	105 mg/L	100 mg/L	Location 6
1/5/2016	Total Suspended Solids	520 mg/L	100 mg/L	Location 7
1/5/2016	Total Suspended Solids	143 mg/L	100 mg/L	Location 8
2015-2016 Reporting Year	Total Suspended Solids	236.8 mg/L	100 mg/L	All discharge points <sup>6</sup>
12/30/2014	Total Suspended Solids	3032 mg/L	100 mg/L	Site #1
12/30/2014	Total Suspended Solids	184 mg/L	100 mg/L	Site #2
12/30/2014	Total Suspended Solids	494 mg/L	100 mg/L	Site #4
12/30/2014	Total Suspended Solids	438 mg/L	100 mg/L	Site #6
12/30/2014	Total Suspended Solids	143 mg/L	100 mg/L	Site #7
11/1/2014	Total Suspended Solids	1082 mg/L	100 mg/L	Site #1
11/1/2014	Total Suspended Solids	320 mg/L	100 mg/L	Site #2
11/1/2014	Total Suspended Solids	234 mg/L	100 mg/L	Site #3
11/1/2014	Total Suspended Solids	564 mg/L	100 mg/L	Site #4
11/1/2014	Total Suspended Solids	143 mg/L	100 mg/L	Site #5
11/1/2014	Total Suspended Solids	1076 mg/L	100 mg/L	Site #8
1/9/2018	Oil & Grease	39 mg/L	25 mg/L <sup>7</sup>	Harbor Site 4
3/22/2018	Iron	2.2 mg/L	1.0 mg/L	Harbor Site 1
3/22/2018	Iron	3.1 mg/L	1.0 mg/L	Harbor Site 2
3/22/2018	Iron	2.7 mg/L	1.0 mg/L	Harbor Site 4
3/22/2018	Iron	5.4 mg/L	1.0 mg/L	Harbor Site 6
1/9/2018	Iron	1.3 mg/L	1.0 mg/L	Harbor Site 2
1/9/2018	Iron	4.7 mg/L	1.0 mg/L	Harbor Site 4
1/9/2018	Iron	1.4 mg/L	1.0 mg/L	Harbor Site 5
1/9/2018	Iron	1.3 mg/L	1.0 mg/L	Harbor Site 6
1/9/2018	Iron	1.2 mg/L	1.0 mg/L	Harbor Site 7
2017-2018 Reporting Year	Iron	2.4 mg/L	1.0 mg/L	All discharge points <sup>8</sup>
2/17/2017	Iron	10 mg/L	1.0 mg/L	Location 1
2/17/2017	Iron	31 mg/L	1.0 mg/L	Location 2
2/17/2017	Iron	1.8 mg/L	1.0 mg/L	Location 6
2/17/2017	Iron	2.3 mg/L	1.0 mg/L	Location 8
2/10/2017	Iron	2.3 mg/L	1.0 mg/L	Location 1
2/10/2017	Iron	1.9 mg/L	1.0 mg/L	Location 3

<sup>6</sup> This value is represents the average of all TSS measurements taken at the Facility during the 2015-2016 reporting year and is higher than 100 mg/L, the annual NAL for TSS.

<sup>7</sup> The value for O&G in this table represent the instantaneous NAL for O&G.

<sup>8</sup> This value is represents the average of all iron measurements taken at the Facility during the 2017-2018 reporting year and is higher than 1.0 mg/L, the annual NAL for iron.

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2/10/2017	Iron	1.1 mg/L	1.0 mg/L	Location 4
2/3/2017	Iron	1.5 mg/L	1.0 mg/L	Location 3
2/3/2017	Iron	3.6 mg/L	1.0 mg/L	Location 4
1/20/2017	Iron	2.9 mg/L	1.0 mg/L	Location 8
1/19/2017	Iron	1.8 mg/L	1.0 mg/L	Location 1
1/12/2017	Iron	1.2 mg/L	1.0 mg/L	Location 3
1/12/2017	Iron	1.5 mg/L	1.0 mg/L	Location 5
12/22/2016	Iron	3.6 mg/L	1.0 mg/L	Location 7
12/22/2016	Iron	1.5 mg/L	1.0 mg/L	Location 8
12/16/2016	Iron	2.8 mg/L	1.0 mg/L	Location 4
12/16/2016	Iron	2.2 mg/L	1.0 mg/L	Location 5
12/16/2016	Iron	4 mg/L	1.0 mg/L	Location 7
12/16/2016	Iron	3.7 mg/L	1.0 mg/L	Location 8
12/15/2016	Iron	3.9 mg/L	1.0 mg/L	Location 1
12/15/2016	Iron	2.5 mg/L	1.0 mg/L	Location 2
12/15/2016	Iron	4.8 mg/L	1.0 mg/L	Location 3
11/26/2016	Iron	1.3 mg/L	1.0 mg/L	Location 3
11/26/2016	Iron	5.2 mg/L	1.0 mg/L	Location 6
11/20/2016	Iron	4.7 mg/L	1.0 mg/L	Location 2
2016-2017 Reporting Year	Iron	2.3 mg/L	1.0 mg/L	All discharge points <sup>9</sup>
3/6/2016	Iron	1.5 mg/L	1.0 mg/L	Location 1
3/6/2016	Iron	1.6 mg/L	1.0 mg/L	Location 2
3/6/2016	Iron	1.6 mg/L	1.0 mg/L	Location 3
3/6/2016	Iron	1.2 mg/L	1.0 mg/L	Location 4
1/5/2016	Iron	2.1 mg/L	1.0 mg/L	Location 1
1/5/2016	Iron	1.7 mg/L	1.0 mg/L	Location 2
1/5/2016	Iron	1.8 mg/L	1.0 mg/L	Location 3
1/5/2016	Iron	2.1 mg/L	1.0 mg/L	Location 4
1/5/2016	Iron	2.2 mg/L	1.0 mg/L	Location 5
1/5/2016	Iron	3 mg/L	1.0 mg/L	Location 7
1/5/2016	Iron	1.5 mg/L	1.0 mg/L	Location 8
2015-2016 Reporting Year	Iron	1.4 mg/L	1.0 mg/L	All discharge points <sup>10</sup>
12/30/2014	Iron	5.2 mg/L	1.0 mg/L	Site #2
12/30/2014	Iron	7.7 mg/L	1.0 mg/L	Site #4
12/30/2014	Iron	2.9 mg/L	1.0 mg/L	Site #6

<sup>9</sup> This value is represents the average of all iron measurements taken at the Facility during the 2016-2017 reporting year and is higher than 1.0 mg/L, the annual NAL for iron.

<sup>10</sup> This value is represents the average of all iron measurements taken at the Facility during the 2015-2016 reporting year and is higher than 1.0 mg/L, the annual NAL for iron.

12/30/2014	Iron	1.2 mg/L	1.0 mg/L	Site #7
11/1/2014	Iron	6.7 mg/L	1.0 mg/L	Site #1
11/1/2014	Iron	4.5 mg/L	1.0 mg/L	Site #2
11/1/2014	Iron	1.3 mg/L	1.0 mg/L	Site #3
11/1/2014	Iron	2.2 mg/L	1.0 mg/L	Site #4
11/1/2014	Iron	1.5 mg/L	1.0 mg/L	Site #5
11/1/2014	Iron	1.3 mg/L	1.0 mg/L	Site #6
11/1/2014	Iron	1.4 mg/L	1.0 mg/L	Site #7
11/1/2014	Iron	4 mg/L	1.0 mg/L	Site #8
3/22/2018	Aluminum	1.5 mg/L	0.75 mg/L	Harbor Site 1
3/22/2018	Aluminum	2.7 mg/L	0.75 mg/L	Harbor Site 2
3/22/2018	Aluminum	2.1 mg/L	0.75 mg/L	Harbor Site 4
3/22/2018	Aluminum	4.3 mg/L	0.75 mg/L	Harbor Site 6
1/9/2018	Aluminum	1.4 mg/L	0.75 mg/L	Harbor Site 2
1/9/2018	Aluminum	8 mg/L	0.75 mg/L	Harbor Site 4
1/9/2018	Aluminum	2.5 mg/L	0.75 mg/L	Harbor Site 5
1/9/2018	Aluminum	0.99 mg/L	0.75 mg/L	Harbor Site 6
1/9/2018	Aluminum	1.1 mg/L	0.75 mg/L	Harbor Site 7
1/9/2018	Aluminum	1.3 mg/L	0.75 mg/L	Harbor Site 8
2017-2018 Reporting Year	Aluminum	2.59 mg/L	0.75 mg/L	All discharge points <sup>11</sup>
2/17/2017	Aluminum	6.8 mg/L	0.75 mg/L	Location 1
2/17/2017	Aluminum	24 mg/L	0.75 mg/L	Location 2
2/17/2017	Aluminum	0.82 mg/L	0.75 mg/L	Location 5
2/17/2017	Aluminum	2 mg/L	0.75 mg/L	Location 6
2/17/2017	Aluminum	1 mg/L	0.75 mg/L	Location 7
2/17/2017	Aluminum	2.1 mg/L	0.75 mg/L	Location 8
2/10/2017	Aluminum	1.6 mg/L	0.75 mg/L	Location 1
2/10/2017	Aluminum	1.8 mg/L	0.75 mg/L	Location 3
2/10/2017	Aluminum	1.7 mg/L	0.75 mg/L	Location 4
2/10/2017	Aluminum	0.91 mg/L	0.75 mg/L	Location 6
2/3/2017	Aluminum	1.6 mg/L	0.75 mg/L	Location 3
2/3/2017	Aluminum	2.4 mg/L	0.75 mg/L	Location 4
2/3/2017	Aluminum	0.92 mg/L	0.75 mg/L	Location 5
2/3/2017	Aluminum	0.84 mg/L	0.75 mg/L	Location 7
1/20/2017	Aluminum	0.96 mg/L	0.75 mg/L	Location 7
1/20/2017	Aluminum	0.77 mg/L	0.75 mg/L	Location 5
1/20/2017	Aluminum	5.5 mg/L	0.75 mg/L	Location 8
1/19/2017	Aluminum	1.6 mg/L	0.75 mg/L	Location 1
1/19/2017	Aluminum	0.9 mg/L	0.75 mg/L	Location 3

<sup>11</sup> This value is represents the average of all aluminum measurements taken at the Facility during the 2017-2018 reporting year and is higher than 0.75 mg/L mg/L, the annual NAL for aluminum.

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1/12/2017	Aluminum	1 mg/L	0.75 mg/L	Location 1
1/12/2017	Aluminum	1.1 mg/L	0.75 mg/L	Location 3
1/12/2017	Aluminum	0.6 mg/L	0.75 mg/L	Location 4
1/12/2017	Aluminum	1.1 mg/L	0.75 mg/L	Location 5
12/22/2016	Aluminum	42 mg/L	0.75 mg/L	Location 7
12/22/2016	Aluminum	4.5 mg/L	0.75 mg/L	Location 8
12/16/2016	Aluminum	11 mg/L	0.75 mg/L	Location 4
12/16/2016	Aluminum	6.2 mg/L	0.75 mg/L	Location 5
12/16/2016	Aluminum	6.9 mg/L	0.75 mg/L	Location 6
12/16/2016	Aluminum	23 mg/L	0.75 mg/L	Location 7
12/16/2016	Aluminum	30 mg/L	0.75 mg/L	Location 8
12/15/2016	Aluminum	40 mg/L	0.75 mg/L	Location 1
12/15/2016	Aluminum	5.5 mg/L	0.75 mg/L	Location 2
12/15/2016	Aluminum	4.8 mg/L	0.75 mg/L	Location 3
11/26/2016	Aluminum	2.8 mg/L	0.75 mg/L	Location 5
11/26/2016	Aluminum	2.9 mg/L	0.75 mg/L	Location 6
11/20/2016	Aluminum	5.8 mg/L	0.75 mg/L	Location 2
2016-2017 Reporting Year	Aluminum	5.02 mg/L	0.75 mg/L	All discharge points <sup>12</sup>
3/6/2016	Aluminum	1 mg/L	0.75 mg/L	Location 1
3/6/2016	Aluminum	1.8 mg/L	0.75 mg/L	Location 2
3/6/2016	Aluminum	1.2 mg/L	0.75 mg/L	Location 3
3/6/2016	Aluminum	0.98 mg/L	0.75 mg/L	Location 4
1/5/2016	Aluminum	1.6 mg/L	0.75 mg/L	Location 1
1/5/2016	Aluminum	2.1 mg/L	0.75 mg/L	Location 2
1/5/2016	Aluminum	2.3 mg/L	0.75 mg/L	Location 3
1/5/2016	Aluminum	1.5 mg/L	0.75 mg/L	Location 4
1/5/2016	Aluminum	1.8 mg/L	0.75 mg/L	Location 5
1/5/2016	Aluminum	2.5 mg/L	0.75 mg/L	Location 6
1/5/2016	Aluminum	2.2 mg/L	0.75 mg/L	Location 7
1/5/2016	Aluminum	1.6 mg/L	0.75 mg/L	Location 8
2015-2016 Reporting Year	Aluminum	1.37 mg/L	0.75 mg/L	All discharge points <sup>13</sup>
3/22/2018	Zinc	0.34 mg/L	0.26 mg/L	Harbor Site 1
3/22/2018	Zinc	0.72 mg/L	0.26 mg/L	Harbor Site 2
3/22/2018	Zinc	0.78 mg/L	0.26 mg/L	Harbor Site 4
3/22/2018	Zinc	1.5 mg/L	0.26 mg/L	Harbor Site 6

<sup>12</sup> This value is represents the average of all aluminum measurements taken at the Facility during the 2016-2017 reporting year and is higher than 0.75 mg/L mg/L, the annual NAL for aluminum.

<sup>13</sup> This value is represents the average of all aluminum measurements taken at the Facility during the 2015-2016 reporting year and is higher than 0.75 mg/L mg/L, the annual NAL for aluminum.

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1/9/2018	Zinc	1.1 mg/L	0.26 mg/L	Harbor Site 1
1/9/2018	Zinc	1.2 mg/L	0.26 mg/L	Harbor Site 2
1/9/2018	Zinc	3.1 mg/L	0.26 mg/L	Harbor Site 4
1/9/2018	Zinc	1.3 mg/L	0.26 mg/L	Harbor Site 5
1/9/2018	Zinc	1.4 mg/L	0.26 mg/L	Harbor Site 6
1/9/2018	Zinc	2.7 mg/L	0.26 mg/L	Harbor Site 7
1/9/2018	Zinc	2.5 mg/L	0.26 mg/L	Harbor Site 8
2017-2018 Reporting Year	Zinc	1.51 mg/L	0.26 mg/L	All discharge points <sup>14</sup>
2/18/2017	Zinc	0.33 mg/L	0.26 mg/L	Location 4
2/17/2017	Zinc	1.3 mg/L	0.26 mg/L	Location 1
2/17/2017	Zinc	3.3 mg/L	0.26 mg/L	Location 2
2/17/2017	Zinc	0.49 mg/L	0.26 mg/L	Location 3
2/17/2017	Zinc	0.38 mg/L	0.26 mg/L	Location 5
2/17/2017	Zinc	0.6 mg/L	0.26 mg/L	Location 6
2/17/2017	Zinc	0.98 mg/L	0.26 mg/L	Location 7
2/17/2017	Zinc	0.84 mg/L	0.26 mg/L	Location 8
2/10/2017	Zinc	0.45 mg/L	0.26 mg/L	Location 1
2/10/2017	Zinc	0.32 mg/L	0.26 mg/L	Location 3
2/10/2017	Zinc	0.37 mg/L	0.26 mg/L	Location 4
2/10/2017	Zinc	0.28 mg/L	0.26 mg/L	Location 5
2/10/2017	Zinc	0.41 mg/L	0.26 mg/L	Location 6
2/3/2017	Zinc	0.27 mg/L	0.26 mg/L	Location 1
2/3/2017	Zinc	0.72 mg/L	0.26 mg/L	Location 2
2/3/2017	Zinc	1.7 mg/L	0.26 mg/L	Location 4
2/3/2017	Zinc	0.35 mg/L	0.26 mg/L	Location 5
2/3/2017	Zinc	0.36 mg/L	0.26 mg/L	Location 6
2/3/2017	Zinc	0.59 mg/L	0.26 mg/L	Location 7
2/3/2017	Zinc	0.4 mg/L	0.26 mg/L	Location 8
1/20/2017	Zinc	0.38 mg/L	0.26 mg/L	Location 7
1/20/2017	Zinc	0.28 mg/L	0.26 mg/L	Location 4
1/20/2017	Zinc	0.36 mg/L	0.26 mg/L	Location 5
1/20/2017	Zinc	1.2 mg/L	0.26 mg/L	Location 8
1/19/2017	Zinc	0.34 mg/L	0.26 mg/L	Location 1
1/19/2017	Zinc	0.34 mg/L	0.26 mg/L	Location 2
1/19/2017	Zinc	0.46 mg/L	0.26 mg/L	Location 6
1/12/2017	Zinc	0.36 mg/L	0.26 mg/L	Location 3
1/12/2017	Zinc	0.57 mg/L	0.26 mg/L	Location 4
1/12/2017	Zinc	0.81 mg/L	0.26 mg/L	Location 5
1/12/2017	Zinc	0.46 mg/L	0.26 mg/L	Location 6

<sup>14</sup> This value is represents the average of all zinc measurements taken at the Facility during the 2017-2018 reporting year and is higher than 0.26 mg/L, the annual NAL for zinc.

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1/2/2017	Zinc	0.66 mg/L	0.26 mg/L	Location 2
12/22/2016	Zinc	1.6 mg/L	0.26 mg/L	Location 7
12/22/2016	Zinc	1 mg/L	0.26 mg/L	Location 8
12/16/2016	Zinc	1 mg/L	0.26 mg/L	Location 4
12/16/2016	Zinc	0.8 mg/L	0.26 mg/L	Location 5
12/16/2016	Zinc	0.41 mg/L	0.26 mg/L	Location 6
12/16/2016	Zinc	1 mg/L	0.26 mg/L	Location 7
12/16/2016	Zinc	1.5 mg/L	0.26 mg/L	Location 8
12/15/2016	Zinc	1.5 mg/L	0.26 mg/L	Location 1
12/15/2016	Zinc	1 mg/L	0.26 mg/L	Location 2
12/15/2016	Zinc	0.29 mg/L	0.26 mg/L	Location 3
11/26/2016	Zinc	0.6 mg/L	0.26 mg/L	Location 1
11/26/2016	Zinc	0.48 mg/L	0.26 mg/L	Location 3
11/26/2016	Zinc	0.34 mg/L	0.26 mg/L	Location 5
11/26/2016	Zinc	1.4 mg/L	0.26 mg/L	Location 6
11/20/2016	Zinc	1.8 mg/L	0.26 mg/L	Location 2
11/20/2016	Zinc	1.1 mg/L	0.26 mg/L	Location 4
2/18/2017	Zinc	1 mg/L	0.26 mg/L	Location 4
2016-2017 Reporting Year	Zinc	0.73 mg/L	0.26 mg/L	All discharge points <sup>15</sup>
3/6/2016	Zinc	0.57 mg/L	0.26 mg/L	Location 1
3/6/2016	Zinc	1.3 mg/L	0.26 mg/L	Location 2
3/6/2016	Zinc	2.9 mg/L	0.26 mg/L	Location 3
3/6/2016	Zinc	1.6 mg/L	0.26 mg/L	Location 4
3/6/2016	Zinc	0.36 mg/L	0.26 mg/L	Location 5
3/6/2016	Zinc	0.7 mg/L	0.26 mg/L	Location 6
3/6/2016	Zinc	4.4 mg/L	0.26 mg/L	Location 7
3/6/2016	Zinc	0.6 mg/L	0.26 mg/L	Location 8
1/5/2016	Zinc	1.2 mg/L	0.26 mg/L	Location 1
1/5/2016	Zinc	0.62 mg/L	0.26 mg/L	Location 2
1/5/2016	Zinc	1 mg/L	0.26 mg/L	Location 3
1/5/2016	Zinc	2.4 mg/L	0.26 mg/L	Location 4
1/5/2016	Zinc	2.6 mg/L	0.26 mg/L	Location 5
1/5/2016	Zinc	0.73 mg/L	0.26 mg/L	Location 6
1/5/2016	Zinc	3.1 mg/L	0.26 mg/L	Location 7
1/5/2016	Zinc	1.7 mg/L	0.26 mg/L	Location 8

<sup>15</sup> This value represents the average of all zinc measurements taken at the Facility during the 2016-2017 reporting year and is higher than 0.26 mg/L, the annual NAL for zinc.

2015-2016 Reporting Year	Zinc	1.61 mg/L	0.26 mg/L	All discharge points <sup>16</sup>
12/30/2014	Zinc	0.48 mg/L	0.26 mg/L	Site #1
12/30/2014	Zinc	25 mg/L	0.26 mg/L	Site #2
12/30/2014	Zinc	0.4 mg/L	0.26 mg/L	Site #3
12/30/2014	Zinc	4.9 mg/L	0.26 mg/L	Site #4
12/30/2014	Zinc	0.45 mg/L	0.26 mg/L	Site #5
12/30/2014	Zinc	1.2 mg/L	0.26 mg/L	Site #6
12/30/2014	Zinc	0.62 mg/L	0.26 mg/L	Site #7
12/30/2014	Zinc	1.3 mg/L	0.26 mg/L	Site #8
11/1/2014	Zinc	5 mg/L	0.26 mg/L	Site #1
11/1/2014	Zinc	1.2 mg/L	0.26 mg/L	Site #2
11/1/2014	Zinc	1 mg/L	0.26 mg/L	Site #3
11/1/2014	Zinc	6.3 mg/L	0.26 mg/L	Site #4
11/1/2014	Zinc	1.8 mg/L	0.26 mg/L	Site #5
11/1/2014	Zinc	2.7 mg/L	0.26 mg/L	Site #6
11/1/2014	Zinc	11 mg/L	0.26 mg/L	Site #7
11/1/2014	Zinc	7.2 mg/L	0.26 mg/L	Site #8
3/22/2018	Nitrate + Nitrite as N	1.4 mg/L	0.68 mg/L	Harbor Site 1
3/22/2018	Nitrate + Nitrite as N	2 mg/L	0.68 mg/L	Harbor Site 2
3/22/2018	Nitrate + Nitrite as N	3.2 mg/L	0.68 mg/L	Harbor Site 4
3/22/2018	Nitrate + Nitrite as N	1.3 mg/L	0.68 mg/L	Harbor Site 6
1/9/2018	Nitrate + Nitrite as N	1.2 mg/L	0.68 mg/L	Harbor Site 1
1/9/2018	Nitrate + Nitrite as N	0.74 mg/L	0.68 mg/L	Harbor Site 2
1/9/2018	Nitrate + Nitrite as N	0.74 mg/L	0.68 mg/L	Harbor Site 6
1/9/2018	Nitrate + Nitrite as N	1.5 mg/L	0.68 mg/L	Harbor Site 7
1/9/2018	Nitrate + Nitrite as N	1.3 mg/L	0.68 mg/L	Harbor Site 8
2017-2018 Reporting Year	Nitrate + Nitrite as N	1.32 mg/L	0.68 mg/L	All discharge points <sup>17</sup>
12/16/2016	Nitrate + Nitrite as N	1.5 mg/L	0.68 mg/L	Location 4
12/16/2016	Nitrate + Nitrite as N	0.71 mg/L	0.68 mg/L	Location 5
12/16/2016	Nitrate + Nitrite as N	0.76 mg/L	0.68 mg/L	Location 6
12/15/2016	Nitrate + Nitrite as N	2.4 mg/L	0.68 mg/L	Location 1
12/15/2016	Nitrate + Nitrite as N	10 mg/L	0.68 mg/L	Location 2
12/15/2016	Nitrate + Nitrite as N	18 mg/L	0.68 mg/L	Location 3
11/26/2016	Nitrate + Nitrite as N	1 mg/L	0.68 mg/L	Location 5
11/26/2016	Nitrate + Nitrite as N	0.75 mg/L	0.68 mg/L	Location 6

<sup>16</sup> This value is represents the average of all zinc measurements taken at the Facility during the 2015-2016 reporting year and is higher than 0.26 mg/L, the annual NAL for zinc.

<sup>17</sup> This value is represents the average of all N+N measurements taken at the Facility during the 2017-2018 reporting year and is higher than 0.68 mg/L, the annual NAL for N+N.

11/20/2016	Nitrate + Nitrite as N	5.7 mg/L	0.68 mg/L	Location 2
11/20/2016	Nitrate + Nitrite as N	3.8 mg/L	0.68 mg/L	Location 4
2016-2017 Reporting Year	Nitrate + Nitrite as N	1.43 mg/L	0.68 mg/L	All discharge points <sup>18</sup>
3/6/2016	Nitrate + Nitrite as N	1.1 mg/L	0.68 mg/L	Location 1
3/6/2016	Nitrate + Nitrite as N	0.97 mg/L	0.68 mg/L	Location 2
3/6/2016	Nitrate + Nitrite as N	0.86 mg/L	0.68 mg/L	Location 3
3/6/2016	Nitrate + Nitrite as N	1.4 mg/L	0.68 mg/L	Location 4
3/6/2016	Nitrate + Nitrite as N	0.76 mg/L	0.68 mg/L	Location 5
3/6/2016	Nitrate + Nitrite as N	1.2 mg/L	0.68 mg/L	Location 6
3/6/2016	Nitrate + Nitrite as N	0.95 mg/L	0.68 mg/L	Location 7
3/6/2016	Nitrate + Nitrite as N	1 mg/L	0.68 mg/L	Location 8
3/22/2018	Magnesium	1 mg/L	0.064 mg/L	Harbor Site 1
3/22/2018	Magnesium	1.4 mg/L	0.064 mg/L	Harbor Site 2
3/22/2018	Magnesium	1 mg/L	0.064 mg/L	Harbor Site 4
3/22/2018	Magnesium	1.9 mg/L	0.064 mg/L	Harbor Site 6
1/9/2018	Magnesium	1 mg/L	0.064 mg/L	Harbor Site 1
1/9/2018	Magnesium	1.2 mg/L	0.064 mg/L	Harbor Site 2
1/9/2018	Magnesium	2.3 mg/L	0.064 mg/L	Harbor Site 4
1/9/2018	Magnesium	1.4 mg/L	0.064 mg/L	Harbor Site 5
1/9/2018	Magnesium	0.9 mg/L	0.064 mg/L	Harbor Site 6
1/9/2018	Magnesium	1.2 mg/L	0.064 mg/L	Harbor Site 7
1/9/2018	Magnesium	0.98 mg/L	0.064 mg/L	Harbor Site 8
2017-2018 Reporting Year	Magnesium	1.30 mg/L	0.064 mg/L	All discharge points <sup>19</sup>
2/18/2017	Magnesium	0.83 mg/L	0.064 mg/L	Location 4
2/17/2017	Magnesium	2.8 mg/L	0.064 mg/L	Location 1
2/17/2017	Magnesium	10 mg/L	0.064 mg/L	Location 2
2/17/2017	Magnesium	0.51 mg/L	0.064 mg/L	Location 3
2/17/2017	Magnesium	0.78 mg/L	0.064 mg/L	Location 5
2/17/2017	Magnesium	1 mg/L	0.064 mg/L	Location 6
2/17/2017	Magnesium	0.92 mg/L	0.064 mg/L	Location 7
2/17/2017	Magnesium	1.3 mg/L	0.064 mg/L	Location 8
2/10/2017	Magnesium	1 mg/L	0.064 mg/L	Location 1
2/10/2017	Magnesium	0.94 mg/L	0.064 mg/L	Location 3
2/10/2017	Magnesium	0.51 mg/L	0.064 mg/L	Location 4

<sup>18</sup> This value is represents the average of all N+N measurements taken at the Facility during the 2016-2017 reporting year and is higher than 0.68 mg/L, the annual NAL for N+N.

<sup>19</sup> This value is represents the average of all magnesium measurements taken at the Facility during the 2017-2018 reporting year and is higher than 0.064 mg/L, the annual NAL for magnesium.

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2/10/2017	Magnesium	0.35 mg/L	0.064 mg/L	Location 5
2/10/2017	Magnesium	0.46 mg/L	0.064 mg/L	Location 6
2/3/2017	Magnesium	0.73 mg/L	0.064 mg/L	Location 1
2/3/2017	Magnesium	0.67 mg/L	0.064 mg/L	Location 2
2/3/2017	Magnesium	0.8 mg/L	0.064 mg/L	Location 3
2/3/2017	Magnesium	1.4 mg/L	0.064 mg/L	Location 4
2/3/2017	Magnesium	0.38 mg/L	0.064 mg/L	Location 5
2/3/2017	Magnesium	0.41 mg/L	0.064 mg/L	Location 6
2/3/2017	Magnesium	0.56 mg/L	0.064 mg/L	Location 7
2/3/2017	Magnesium	0.35 mg/L	0.064 mg/L	Location 8
1/20/2017	Magnesium	0.76 mg/L	0.064 mg/L	Location 7
1/20/2017	Magnesium	0.34 mg/L	0.064 mg/L	Location 4
1/20/2017	Magnesium	0.41 mg/L	0.064 mg/L	Location 5
1/20/2017	Magnesium	1.1 mg/L	0.064 mg/L	Location 8
1/19/2017	Magnesium	0.65 mg/L	0.064 mg/L	Location 1
1/19/2017	Magnesium	0.56 mg/L	0.064 mg/L	Location 2
1/19/2017	Magnesium	0.56 mg/L	0.064 mg/L	Location 3
1/19/2017	Magnesium	0.36 mg/L	0.064 mg/L	Location 6
1/12/2017	Magnesium	0.61 mg/L	0.064 mg/L	Location 1
1/12/2017	Magnesium	0.99 mg/L	0.064 mg/L	Location 3
1/12/2017	Magnesium	0.38 mg/L	0.064 mg/L	Location 4
1/12/2017	Magnesium	0.62 mg/L	0.064 mg/L	Location 5
1/12/2017	Magnesium	0.43 mg/L	0.064 mg/L	Location 6
1/2/2017	Magnesium	0.89 mg/L	0.064 mg/L	Location 2
12/22/2016	Magnesium	3.5 mg/L	0.064 mg/L	Location 7
12/22/2016	Magnesium	1.3 mg/L	0.064 mg/L	Location 8
12/16/2016	Magnesium	1.6 mg/L	0.064 mg/L	Location 4
12/16/2016	Magnesium	1.2 mg/L	0.064 mg/L	Location 5
12/16/2016	Magnesium	1.1 mg/L	0.064 mg/L	Location 6
12/16/2016	Magnesium	2.1 mg/L	0.064 mg/L	Location 7
12/16/2016	Magnesium	1.7 mg/L	0.064 mg/L	Location 8
12/15/2016	Magnesium	3.4 mg/L	0.064 mg/L	Location 1
12/15/2016	Magnesium	1.5 mg/L	0.064 mg/L	Location 2
12/15/2016	Magnesium	1 mg/L	0.064 mg/L	Location 3
11/26/2016	Magnesium	0.61 mg/L	0.064 mg/L	Location 1
11/26/2016	Magnesium	0.62 mg/L	0.064 mg/L	Location 3
11/26/2016	Magnesium	2.6 mg/L	0.064 mg/L	Location 5
11/26/2016	Magnesium	2.6 mg/L	0.064 mg/L	Location 6
11/20/2016	Magnesium	2.5 mg/L	0.064 mg/L	Location 2
11/20/2016	Magnesium	0.78 mg/L	0.064 mg/L	Location 4

2016-2017 Reporting Year	Magnesium	1.24 mg/L	0.064 mg/L	All discharge points <sup>20</sup>
3/6/2016	Magnesium	1.6 mg/L	0.064 mg/L	Location 1
3/6/2016	Magnesium	1.5 mg/L	0.064 mg/L	Location 2
3/6/2016	Magnesium	1.3 mg/L	0.064 mg/L	Location 3
3/6/2016	Magnesium	1 mg/L	0.064 mg/L	Location 4
3/6/2016	Magnesium	0.63 mg/L	0.064 mg/L	Location 5
3/6/2016	Magnesium	0.69 mg/L	0.064 mg/L	Location 6
3/6/2016	Magnesium	0.96 mg/L	0.064 mg/L	Location 7
3/6/2016	Magnesium	0.58 mg/L	0.064 mg/L	Location 8
1/5/2016	Magnesium	1.3 mg/L	0.064 mg/L	Location 1
1/5/2016	Magnesium	2.3 mg/L	0.064 mg/L	Location 2
1/5/2016	Magnesium	1.9 mg/L	0.064 mg/L	Location 3
1/5/2016	Magnesium	1.4 mg/L	0.064 mg/L	Location 4
1/5/2016	Magnesium	1.3 mg/L	0.064 mg/L	Location 5
1/5/2016	Magnesium	0.89 mg/L	0.064 mg/L	Location 6
1/5/2016	Magnesium	1.5 mg/L	0.064 mg/L	Location 7
1/5/2016	Magnesium	1.4 mg/L	0.064 mg/L	Location 8
2015-2016 Reporting Year	Magnesium	1.27 mg/L	0.064 mg/L	All discharge points <sup>21</sup>
3/22/2018	Copper	0.062 mg/L	0.0332 mg/L	Harbor Site 4
3/22/2018	Copper	0.047 mg/L	0.0332 mg/L	Harbor Site 6
1/9/2018	Copper	0.16 mg/L	0.0332 mg/L	Harbor Site 4
1/9/2018	Copper	0.042 mg/L	0.0332 mg/L	Harbor Site 7
1/9/2018	Copper	0.035 mg/L	0.0332 mg/L	Harbor Site 8
2017-2018 Reporting Year	Copper	1.27 mg/L	0.0332 mg/L	All discharge points <sup>22</sup>
2/17/2017	Copper	0.12 mg/L	0.0332 mg/L	Location 1
2/17/2017	Copper	0.29 mg/L	0.0332 mg/L	Location 2
2/10/2017	Copper	0.035 mg/L	0.0332 mg/L	Location 1
2/10/2017	Copper	0.042 mg/L	0.0332 mg/L	Location 3
2/3/2017	Copper	0.057 mg/L	0.0332 mg/L	Location 4

<sup>20</sup> This value is represents the average of all magnesium measurements taken at the Facility during the 2016-2017 reporting year and is higher than 0.064 mg/L, the annual NAL for magnesium.

<sup>21</sup> This value is represents the average of all magnesium measurements taken at the Facility during the 2015-2016 reporting year and is higher than 0.064 mg/L, the annual NAL for magnesium.

<sup>22</sup> This value is represents the average of all copper measurements taken at the Facility during the 2017-2018 reporting year and is higher than 0.0332 mg/L, the annual NAL for copper.

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1/20/2017	Copper	0.035 mg/L	0.0332 mg/L	Location 8
12/22/2016	Copper	0.26 mg/L	0.0332 mg/L	Location 7
12/16/2016	Copper	0.067 mg/L	0.0332 mg/L	Location 4
12/16/2016	Copper	0.036 mg/L	0.0332 mg/L	Location 5
12/16/2016	Copper	0.045 mg/L	0.0332 mg/L	Location 8
11/26/2016	Copper	0.05 mg/L	0.0332 mg/L	Location 6
11/20/2016	Copper	0.046 mg/L	0.0332 mg/L	Location 2
11/20/2016	Copper	0.035 mg/L	0.0332 mg/L	Location 4
2016-2017 Reporting Year	Copper	0.0404 mg/L	0.0332 mg/L	All discharge points <sup>23</sup>
3/6/2016	Copper	0.06 mg/L	0.0332 mg/L	Location 1
3/6/2016	Copper	0.18 mg/L	0.0332 mg/L	Location 2
3/6/2016	Copper	0.062 mg/L	0.0332 mg/L	Location 3
3/6/2016	Copper	0.078 mg/L	0.0332 mg/L	Location 4
3/6/2016	Copper	0.038 mg/L	0.0332 mg/L	Location 7
1/5/2016	Copper	0.062 mg/L	0.0332 mg/L	Location 1
1/5/2016	Copper	0.034 mg/L	0.0332 mg/L	Location 2
1/5/2016	Copper	0.11 mg/L	0.0332 mg/L	Location 3
1/5/2016	Copper	0.14 mg/L	0.0332 mg/L	Location 4
1/5/2016	Copper	0.077 mg/L	0.0332 mg/L	Location 5
1/5/2016	Copper	0.082 mg/L	0.0332 mg/L	Location 7
1/5/2016	Copper	0.056 mg/L	0.0332 mg/L	Location 8
2015-2016 Reporting Year	Copper	0.0668 mg/L	0.0332 mg/L	All discharge points <sup>24</sup>
12/30/2014	Copper	0.053 mg/L	0.0332 mg/L	Site #1
12/30/2014	Copper	0.35 mg/L	0.0332 mg/L	Site #2
12/30/2014	Copper	0.66 mg/L	0.0332 mg/L	Site #4
12/30/2014	Copper	0.067 mg/L	0.0332 mg/L	Site #6
12/30/2014	Copper	0.039 mg/L	0.0332 mg/L	Site #7
11/1/2014	Copper	0.14 mg/L	0.0332 mg/L	Site #1
11/1/2014	Copper	0.079 mg/L	0.0332 mg/L	Site #2
11/1/2014	Copper	0.054 mg/L	0.0332 mg/L	Site #3
11/1/2014	Copper	0.085 mg/L	0.0332 mg/L	Site #4
11/1/2014	Copper	0.071 mg/L	0.0332 mg/L	Site #5
11/1/2014	Copper	0.063 mg/L	0.0332 mg/L	Site #6
11/1/2014	Copper	0.09 mg/L	0.0332 mg/L	Site #7
11/1/2014	Copper	0.17 mg/L	0.0332 mg/L	Site #8

<sup>23</sup> This value is represents the average of all copper measurements taken at the Facility during the 2016-2017 reporting year and is higher than 0.0332 mg/L, the annual NAL for copper.

<sup>24</sup> This value is represents the average of all copper measurements taken at the Facility during the 2015-2016 reporting year and is higher than 0.0332 mg/L, the annual NAL for copper.

1/9/2018	Chemical Oxygen Demand	246 mg/L	120 mg/L	Harbor Site 1
12/15/2016	Chemical Oxygen Demand	134 mg/L	120 mg/L	Location 1
11/20/2016	Chemical Oxygen Demand	168 mg/L	120 mg/L	Location 2
3/6/2016	Chemical Oxygen Demand	192 mg/L	120 mg/L	Location 2
3/6/2016	Chemical Oxygen Demand	166 mg/L	120 mg/L	Location 3
3/6/2016	Chemical Oxygen Demand	960 mg/L	120 mg/L	Location 7
3/6/2016	Chemical Oxygen Demand	572 mg/L	120 mg/L	Location 8
1/5/2016	Chemical Oxygen Demand	248 mg/L	120 mg/L	Location 1
1/5/2016	Chemical Oxygen Demand	133 mg/L	120 mg/L	Location 2
1/5/2016	Chemical Oxygen Demand	173 mg/L	120 mg/L	Location 3
1/5/2016	Chemical Oxygen Demand	125 mg/L	120 mg/L	Location 5
1/5/2016	Chemical Oxygen Demand	190 mg/L	120 mg/L	Location 7
1/5/2016	Chemical Oxygen Demand	129 mg/L	120 mg/L	Location 8
2015-2016 Reporting Year	Chemical Oxygen Demand	209.06 mg/L	120 mg/L	All discharge points <sup>25</sup>

The information in the above table reflects data gathered from the Facility's self-monitoring during the 2014-2015 wet season, as well as the 2015-2016, 2016-2017, and 2017-2018 reporting years.<sup>26</sup> CBE alleges that since at least April 15, 2014, the Facility has discharged storm water contaminated with pollutants at levels that exceed the applicable EPA Benchmarks and NALs for pH, TSS, O&G, iron, aluminum, zinc, N+N, magnesium, copper, and COD.

<sup>25</sup> This value is represents the average of all COD measurements taken at the Facility during the 2015-2016 reporting year and is higher than 120 mg/L, the annual NAL for COD.

<sup>26</sup> As noted above, the Facility has failed to submit any records of storm water sampling for the 2018-2019 reporting year. On information and belief, CBE alleges that to the extent that the Facility did collect and analyze storm water samples during the 2018-2019 reporting year that many of these samples would exceed applicable NALs as alleged in this table.

CBE's investigation, including its review of the Facility's SWPPP, the analytical results documenting pollutant levels in the Facility's storm water discharges well in excess of applicable water quality standards, and EPA benchmark values and NALs, indicates that LADWP has not implemented BAT and BCT at the Facility for its discharges of pH, TSS, O&G, iron, aluminum, zinc, N+N, magnesium, copper, COD, PCBs, ammonia, total coliform, fecal coliform, enterococcus, and potentially other pollutants in violation of Effluent Limitation B.3 of the 1997 Permit and Effluent Limitation V.A of the 2015 Permit. The Facility was required to have implemented BAT and BCT by no later than October 1, 1992, or since the date the Facility opened. Thus, LADWP is discharging polluted storm water associated with its industrial operations from the Facility without having implemented BAT and BCT.

In addition, the numbers listed above indicate that the Facility is discharging polluted storm water in violation of Discharge Prohibitions A.1 and A.2 and Receiving Water Limitations C.1 and C.2 of the 1997 Permit; Discharge Prohibitions III.C and III.D and Receiving Water Limitations VI.A, VI.B, and VI.C of the 2015 Permit. CBE alleges that such violations also have occurred and will occur on other rain dates, including on information and belief every significant rain event that has occurred since April 15, 2014, and that will occur at the Facility subsequent to the date of this Notice of Violation and Intent to File Suit. Attachment A, attached hereto, sets forth each of the specific rain dates on which CBE alleges that the Facility has discharged storm water containing impermissible and unauthorized levels of pH, TSS, O&G, iron, aluminum, zinc, N+N, magnesium, copper, COD, PCBs, ammonia, total coliform, fecal coliform, and enterococcus in violation of Section 301(a) of the Act as well as Effluent Limitation B.3, Discharge Prohibitions A.1 and A.2, and Receiving Water Limitations C.1 and C.2 of the 1997 Permit; and Effluent Limitation V.A, Discharge Prohibitions III.B and III.C and Receiving Water Limitations VI.A and VI.B of the 2015 Permit.<sup>27</sup>

Further, CBE puts LADWP on notice that 2015 Permit Effluent Limitation V.A is a separate, independent requirement with which LADWP must comply, and that carrying out the iterative process triggered by exceedances of the NALs listed at Table 2 of the 2015 Permit does not amount to compliance with the Permit's Effluent Limitations, including LADWP's obligation to have installed BAT and BCT at the Facility. While exceedances of the NALs demonstrate that a facility is among the worst performing facilities in the State, the NALs do not represent technology based criteria relevant to determining whether an industrial facility has implemented best management practices ("BMPs") that achieve BAT/BCT.<sup>28</sup> Finally, despite

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<sup>27</sup> The rain dates on the attached table are based on rain data accessed from the National Oceanic and Atmospheric Administration at <https://www.ncdc.noaa.gov/cdo-web/>. (Last accessed on April 15, 2019). Data was obtained from a weather station at the Torrance Airport, located approximately 4.96 miles from the Facility. Data was also obtained from a weather station located at the Long Beach Airport, located approximately 7.43 miles from the Facility. The data in the table are dates on which the average rainfall between the two stations was 0.1" or greater.

<sup>28</sup> The NALs are not intended to serve as technology-based or water quality-based numeric effluent limitations. The NALs are not derived directly from either BAT/BCT requirements or receiving water objectives. NAL exceedances defined in [the 2015] Permit are not, in and of

the fact that LADWP has submitted Exceedance Response Action Plans pursuant to Section XII of the 2015 Permit, the violations of Effluent Limitation V.A described in this Notice Letter are ongoing.

These unlawful discharges from the Facility are ongoing. Each discharge of storm water containing any of these pollutants constitutes a separate violation of the General Permit and the Act. Each discharge of storm water constitutes an unauthorized discharge of pH, TSS, O&G, iron, aluminum, zinc, N+N, magnesium, copper, COD, PCBs, ammonia, total coliform, fecal coliform, enterococcus, and polluted storm water associated with industrial activity in violation of Section 301(a) of the CWA. Each day that the Facility operates without implementing BAT/BCT is a violation of the General Permit. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, LADWP is subject to penalties for violations of the General Permit and the Act since April 15, 2014.

**B. Failure to Develop, Implement, and/or Revise an Adequate Monitoring Plan and Comply with Monitoring Requirements.**

The 1997 Permit requires facility operators to develop and implement an adequate Monitoring and Reporting Program before industrial activities begin at a facility. 1997 Permit, § B(1). The 2015 Permit includes similar monitoring and reporting requirements. 2015 Permit, § XI. The 2015 Permit also requires that dischargers prepare and include in the SWPPP a Monitoring Implementation Plan (“MIP”). *Id.*, § X.I. An adequate MIP and Monitoring Program helps to ensure that BMPs are effectively reducing and/or eliminating pollutants from a facility’s storm water discharges.

As part of the required monitoring program, all facility operators must conduct visual observations of storm water discharges and authorized non-storm water discharges, and collect and analyze samples of storm water discharges. As part of the required reporting program, all facility operators must timely submit an Annual Report for each reporting year. The monitoring and reporting requirements set forth in Section XI of the 2015 Permit are substantially similar to those in the 1997 Permit, and in several instances more stringent.

The 1997 Permit requires dischargers to collect storm water samples during the first hour of discharge from the first storm event of the wet season, and at least one other storm event during the wet season, from all storm water discharge locations at a facility. 1997 Permit, § B.5. The 2015 Permit mandates that facility operators sample *four* (rather than two) storm water discharges from all discharge locations over the course of the reporting year. 2015 Permit, § XI.B.2. Storm water discharges trigger the sampling requirement under the 2015 Permit when they produce a discharge from a particular drainage area and are preceded by 48 hours without a discharge from that drainage area. *Id.*, § B.1 (Qualifying Storm Events). A sample must be collected from each drainage area at all discharge locations at the facility within four hours of the

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themselves, violations of [the 2015] Permit.” 2015 Permit, Finding 63, p. 11. The NALs do, however, trigger reporting requirements. *See* 2015 Permit, Section XII

start of the discharge. *Id.*, §§ B.4, B.5. LADWP has repeatedly violated these monitoring requirements.

**i. Failure to Conduct Required Sampling and Analysis at all Discharge Locations.**

Table 1 of the SWPPP indicates that there is a storm water discharge point for the Fuel Storage North area, and that the area discharges to a catch basin on A Street. It indicates that the discharges from that area are subject to NPDES Permit No. CA0056383 (“Fuel Storage Permit”). Section 3.2.5 of the SWPPP states that this area discharges to the municipal separate storm sewer system (MS4) and then to the Los Angeles Harbor under this separate NPDES Permit. The SWPPP makes a few other references to the Fuel Storage Permit. Facility SWPPP, §§ 3.3, 5.1.3, 5.3. However, CBE’s understanding is that the Regional Board terminated the Fuel Storage Permit on February 6, 2014. Therefore, any discharges from the Fuel Storage Area should be covered under the General Permit and monitored, at a minimum, for the following parameters that had numerical effluent limitations in the Fuel Storage Permit: biochemical oxygen demand, TSS, O&G, pH, copper, cyanide, lead, nickel, zinc, phenols, settleable solids, sulfides, and turbidity.

On information and belief, CBE alleges LADWP has failed to collect and analyze storm water discharges from the Fuel Storage North area the Facility since at least April 15, 2014. The failures result in at least 14 violations of the General Permit. These violations of the General Permit are ongoing. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, Los Angeles Galvanizing is subject to penalties for violations of the General Permit and the Act’s monitoring and sampling requirements since April 15, 2014.

CBE alleges that LADWP failed to collect and analyze a second storm water discharge from sampling locations 5, 7, and, and 8 during the second half of the 2017-2018 reporting year. This failure result in 3 violations of the General Permit. These violations of the General Permit are ongoing.

**ii. Failure to Conduct Required Sampling and Analysis From All Qualifying Storm Events.**

On information and belief, CBE also alleges that during the first half of the 2015-2016 reporting year, LADWP failed to collect and analyze storm water samples at the Facility from the two required storm events during those portions of the reporting year. Despite its claims that there were insufficient storm events that produced storm water discharges during that period, CBE alleges that local precipitation data compared to dates when the Facility *did* collect storm water samples shows that discharges occurred on several dates during the first half of that reporting year. On information and belief, CBE also alleges that LADWP failed to collect and analyze any storm water samples during the first half of the 2018-2019 reporting year (and potentially during the second half of the 2018-2019 reporting year). The 2018-2019 reporting year has included many likely qualifying storm events that should have been sampled by the

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Facility. Specifically, on information and belief, CBE alleges that storm water discharges from qualifying storm events at the Facility have occurred on the following dates:

- July 18, 2015
- July 19, 2015
- September 15, 2015
- December 19, 2015
- December 22, 2015
- October 12, 2018
- October 13, 2018
- November 22, 2018
- November 29, 2018
- November 30, 2018
- December 6, 2018
- January 5, 2019
- January 6, 2019
- January 7, 2019
- January 12, 2019
- January 14, 2019
- January 15, 2019
- January 16, 2019
- January 17, 2019
- January 31, 2019
- February 2, 2019
- February 3, 2019
- February 4, 2019
- February 5, 2019
- February 10, 2019
- February 13, 2019
- February 14, 2019
- March 2, 2019
- March 6, 2019

With respect to the missing samples for the first half of the 2018-2019 report year, CBE notes that Section XI.B.11.a of the 2015 Permit requires that a discharger submit all sampling and analytical results via SMARTS within 30 days of obtaining all results for each sampling event. On information and belief, CBE alleges that as of the date of this letter, LADWP should have submitted to SMARTS any results that would have been taken during the first half of the 2018-2019 reporting year. LADWP has failed to do so.

The failure to collect and analyze storm water samples from the requisite sampling events at all storm water discharge locations at the Facility results in at least 16 violations of the General Permit for the failures during the 2015-2016 reporting year and at least 16 violations (thus far) for the 2018-2019 reporting year. The failure to upload sampling results to SMARTS from the 2018-2019 reporting year results in at least 16 violations of the General Permit. These violations of the General Permit are ongoing. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, LADWP is subject to penalties for violations of the General Permit and the Act's monitoring and sampling requirements since July 1, 2015.

**C. Failure to Prepare, Implement, Review and Update an Adequate Storm Water Pollution Prevention Plan.**

Under the General Permit, the State Board has designated the SWPPP as the cornerstone of compliance with NPDES requirements for storm water discharges from industrial facilities, which helps ensure that operators meet effluent and receiving water limitations. Section A.1 and Provision E.2 of the 1997 Permit require dischargers to develop and implement a SWPPP prior to beginning industrial activities that meet all of the requirements of the 1997 Permit. Key

objectives of the SWPPP requirement are to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges and authorized non-stormwater discharges from the facility, and to implement BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges and authorized non-stormwater discharges. *See* 1997 Permit, § A.2; 2015 Permit § X.C. These BMPs must achieve compliance with the General Permit's effluent limitations and receiving water limitations. To ensure compliance with the General Permit, the SWPPP must be evaluated and revised as necessary. 1997 Permit, §§ A.9, 10; 2015 Permit § X.B. Failure to develop or implement an adequate SWPPP, or update or revise an existing SWPPP as required, is a violation of the General Permit. 2015 Permit, Fact Sheet § I.1.

Sections A.3-A.10 of the 1997 Permit set forth the requirements for a SWPPP. Among other requirements, the SWPPP must include: a pollution prevention team; a site map; a list of significant materials handled and stored at the site; a description of potential pollutant sources; an assessment of potential pollutant sources; and a description of the BMPs to be implemented at the facility that will reduce or prevent pollutants in storm water discharges and authorized non-stormwater discharges, including structural BMPs where non-structural BMPs are not effective. Sections X.D – X.I of the 2015 Permit set forth essentially the same SWPPP requirements as the 1997 Permit, except that all dischargers are now required to develop and implement a set of minimum BMPs, as well as any advanced BMPs as necessary to achieve BAT/BCT, which serve as the basis for compliance with the 2015 Permit's technology-based effluent limitations. 2015 Permit, § X.H. The 2015 Permit further requires a more comprehensive assessment of potential pollutant sources than the 1997 Permit; more specific BMP descriptions; and an additional BMP summary table identifying each identified area of industrial activity, the associated industrial pollutant sources, the industrial pollutants, and the BMPs being implemented. 2015 Permit, §§ X.G.2, .4, .5.

The 2015 Permit requires dischargers to implement and maintain, to the extent feasible, all of the following minimum BMPs in order to reduce or prevent pollutants in industrial storm water discharges: good housekeeping, preventive maintenance, spill and leak prevention and response, material handling and waste management, erosion and sediment controls, an employee training program, and quality assurance and record keeping. 2015 Permit, § X.H.1. Failure to implement all of these minimum BMPs is a violation of the 2015 Permit. *Id.*, Fact Sheet § I.2.o. The 2015 Permit further requires dischargers to implement and maintain, to the extent feasible, any one or more of the following advanced BMPs necessary to reduce or prevent discharges of pollutants in industrial storm water discharges: exposure minimization BMPs, storm water containment and discharge reduction BMPs, treatment control BMPs, and other advanced BMPs. *Id.*, § X.H.2. Failure to implement advanced BMPs as necessary to achieve compliance with either technology or water quality standards is a violation of the 2015 Permit. *Id.* The 2015 Permit also requires that the SWPPP include BMP Descriptions and a BMP Summary Table. *Id.*, § X.H.4, .5. A Facility's BMPs must, at all times, be robust enough to meet the General Permit's and 33 U.S.C. § 1342(p)(3)(A)'s requirement that all discharges associated with industrial activities be subjected to BAT and BCT. 2015 Permit §§ V.A, I.A.1, I.D.31, I.D.32; 1997

Permit, Effluent Limitation B.3, Receiving Water Limitation C.3.

Despite these clear BMP requirements, LADWP has been conducting and continues to conduct industrial operations at the Facility with an inadequately developed, implemented, and/or revised SWPPP.

The SWPPP fails to comply with Section X.A.9 of the 2015 General Permit. The SWPPP fails to contain an Annual Evaluation.

The SWPPP fails to comply with Section X.A.10 of the 2015 General Permit. The SWPPP fails to indicate the date that the SWPPP was initially prepared.

The SWPPP fails to comply with Section X.D.1.c of the 2015 General Permit. The SWPPP fails to contain procedures to identify alternate team members to implement the SWPPP and conduct required monitoring when the regularly assigned team members are temporarily unavailable.

The SWPPP fails to comply with the requirements of Section X.E of the 2015 Permit. Most of the maps fail to contain legends. Most of the maps, are neither, clear, legible, nor understandable. For example, it is impossible to read any of the small text in Figures 2, 2A, 4, 4A, 5, and 5A. The maps fail to show the locations of all discharge locations, such as all of the locations in the Peaker Units. The maps fail to show structural control measures, such as catch basins and oil/water separators. The maps do not show where materials are directly exposed to precipitation.

The SWPPP fails to comply with Section X.F of the 2015 Permit. The SWPPP fails to include a list of industrial materials handled at the Facility, and the locations where each material is stored, received, shipped, and handled, as well as the typical quantities and handling frequency.

The SWPPP fails to comply with Section X.G.1.a of the 2015 Permit. The SWPPP fails to describe each industrial process including: manufacturing, cleaning, maintenance, recycling, disposal, and any other activities related to the process. The SWPPP fails to describe the type, characteristics, and approximate quantity of industrial materials used in or resulting from the process. The SWPPP fails to identify and describe all areas protected by containment structures and the corresponding containment capacity.

The SWPPP fails to comply with Section X.G.1.b of the 2015 Permit. The SWPPP fails to describe each material handling and storage area at the Facility, including: the type, characteristics, and quantity of industrial materials handled or stored; the shipping, receiving, and loading procedures; the spill or leak prevention and response procedures; and the areas protected by containment structures and the corresponding containment capacity.

The SWPPP fails to comply with Section X.G.1.c of the 2015 Permit. The SWPPP fails to describe all industrial activities that generate a significant amount of dust or particulate that

may be deposited within the Facility boundaries. The SWPPP fails to describe such industrial activities, including the discharge locations, the source type, and the characteristics of the dust or particulate pollutant.

The SWPPP fails to comply with Section X.G.1.e of the 2015 Permit. The SWPPP fails to include an evaluation of the Facility that identifies all non-stormwater discharges (“NSWDs”), sources, and drainage areas. The SWPPP fails to include an evaluation of all drains that identifies connections to the storm water conveyance system. The SWPPP fails to include a description of how all unauthorized NSWDs have been eliminated. The SWPPP fails to ensure that all NSWDs are described in the SWPPP.

The SWPPP fails to comply with Section X.G.2.b of the 2015 Permit. The SWPPP fails to identify in the SWPPP any areas of the Facility where the minimum BMPs will not adequately reduce or prevent pollutants in the storm water discharge in compliance with Section V.A of the 2015 Permit. CBE alleges that all areas of the Facility are lacking in BMPs that will achieve that reduction or prevention. LADWP fails to identify advanced BMPs for those areas.

The SWPPP for the Facility fails to comply with the requirements of Section X.H of the 2015 Permit. The SWPPP fails to implement required advanced BMPs. The SWPPP fails to identify and justify each minimum BMP or applicable BMP not being implemented at the Facility because they do not reflect best industry practice considering BAT/BCT.

The SWPPP fails to comply with Section X.I of the 2015 Permit in numerous ways. This section requires that the MIP be included in the SWPPP and contain certain items. While the Facility’s SWPPP does contain a MIP, it failed to comply with numerous requirements set forth in the 2015 Permit. Section X.I.2.a of the 2015 Permit requires that a MIP describe all of a facility’s discharge locations. All of the Facility’s Annual Reports submitted for the past five years, as well as all of the Exceedance Response Action (“ERA”) reports submitted by LADWP for the Facility, indicate that there are 8 storm water discharge locations at the Facility. The Harbor Generating Station MIP fails to describe all of these locations. It only appears to describe 4 locations. The description of the actual locations fails to correlate with the descriptions provided in the ERA Reports. The MIP fails to describe any of the four discharge locations associated with the Peaker Units. It fails to describe and include the discharge location associated with the Fuel North Storage area. It fails to include sample location 3, the discharges associated with Receiving Station Q.

If a facility plans to do a Representative Sampling Reduction in accordance with Section XI.C.4 of the 2015 Permit, Section X.I.3.b of the 2015 Permit requires that it be included as part of the MIP. Although the Facility’s 2017-2018 Annual Report indicates that LADWP has reduced the number of sampling locations in accordance with the Representative Sampling Reduction in Section XI.C.4, the MIP fails to contain the requisite Representative Sampling Reduction.

Section X.I.4 of the 2015 Permit requires that the MIP contain “[p]rocedures for field instrument calibration instructions, including calibration intervals specified by the manufacturer.” The Facility’s MIP fails to contain these procedures.

Section X.I.5 of the 2015 Permit requires that the MIP contain “[a]n example Chain of Custody form used when handling and shipping water quality samples to the lab.” The MIP fails to contain an example chain of custody form.

As described above, the SWPPP also makes several references to the Fuel Storage Permit. CBE believes that this Permit has been terminated and therefore all references to it are incorrect. The SWPPP is in violation of the 2015 Permit to the extent it relies on the Fuel Storage Permit to describe storm water discharges at the Facility.

Most importantly, the Facility’s storm water samples and discharge observations have consistently exceeded applicable water quality standards, EPA benchmarks and NALs, demonstrating the failure of their BMPs to reduce or prevent pollutants associated with industrial activities in the Facility’s discharges. Despite these exceedances, LADWP has failed to sufficiently update and revise the Facility’s SWPPP. The Facility’s SWPPP has therefore never achieved the General Permit’s objective to identify and implement proper BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges.

CBE puts LADWP on notice that it violates the General Permit and the CWA every day that the Facility operate with inadequately developed, implemented, and/or revised SWPPP. These violations are ongoing, and CBE will include additional violations as information and data become available. LADWP is subject to civil penalties for all violations of the CWA occurring since April 15, 2014.

**D. Failure to Comply with General Permit Evaluation and ERA Requirements.**

On or about December 31, 2018, LADWP submitted a Level 2 ERA Technical Report to SMARTS. Section XII.D.2 of the 2015 Permit sets out the requirements for a Level 2 ERA Technical Report. It requires that the report must include one or more of the following demonstrations: Industrial Activity BMPs Demonstration, Non-Industrial Pollutant Source Demonstration, or Natural Background Pollutant Source Demonstration. CBE alleges that LADWP’s Level 2 ERA Technical Report fails to contain any of these demonstrations.

While the report mentions the pollutant contributions from industrial activities as well as non-industrial sources, it fails to meet the 2015 Permit’s clear requirements. With respect to a potential Industrial Activity BMP Demonstration, the report fails to meet the requirements of Section XII.D.2.a of the 2015 Permit. This includes failing to describe all of the BMPs that are expected to eliminate future NAL exceedances, describing and evaluating additional BMPs that would reduce and prevent NAL exceedances (including a cost estimate and analysis for selecting particular BMPs).

With respect to a potential Non-Industrial Pollutant Source Demonstration, the report fails to meet the requirements of Section XII.D.2.b of the 2015 Permit. The report does not meet *any* of these requirements. For example, the report does not contain a statement that the exceedance of the NAL is attributable solely to the presence of non-industrial pollutant sources.

Although “[i]t is not a violation of this General Permit to exceed the NAL values; it is a violation of the permit, however, to fail to comply with the Level 1 status and Level 2 status ERA requirements in the event of NAL exceedances.” General Permit, Fact Sheet, p. 60. Accordingly, CBE puts LADWP on notice that it has violated and continues to violate the General Permit and the CWA every day that the Facility operates without an adequate Level 2 ERA Technical Report since at least December 31, 2018. These violations are ongoing. LADWP is subject to civil penalties for each day it has failed to submit an adequate Level 2 ERA Technical Report.

### **III. Persons Responsible for the Violations.**

CBE puts LADWP, Mel Levine, David H. Wright, and Katherine Rubin on notice that they are the persons responsible for the violations described above. If additional persons are subsequently identified as also being responsible for the violations set forth above, CBE puts LADWP, Mel Levine, David H. Wright, and Katherine Rubin on notice that it intends to include those subsequently identified persons in this action.

### **IV. Name and Address of Noticing Parties.**

The name, address and telephone number of Communities for a Better Environment is as follows:

Milton Hernandez-Nimatuj  
Communities for a Better Environment  
6325 Pacific Blvd., Ste. 300  
Huntington Park, California 90255  
Tel. (323) 826-9771  
nimatuj@cbecal.org

### **V. Counsel.**

CBE has retained legal counsel to represent it in this matter. Please direct all communications to:

Douglas J. Chermak  
Michael R. Lozeau  
Lozeau Drury LLP  
1939 Harrison Street, Suite 150  
Oakland, California 94612  
Tel. (510) 836-4200

LADWP – Harbor Generating Station  
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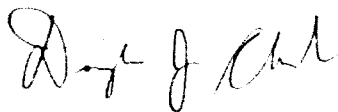
doug@lozeaudrury.com  
michael@lozeaudrury.com

## **VI. Penalties.**

As detailed in this Notice of Intent to Sue sent to LADWP, in accordance with requirements of the CWA, LADWP is in violation of multiple requirements of the General Permit, including exceedances of receiving water limitations and effluent limitations, monitoring and reporting violations, and SWPPP violations. Section 309 of the CWA, 33 U.S.C. § 1319(d), as adjusted by 40 C.F.R. § 19.4, provides for penalties of up to \$37,500 per day per violation for all violations occurring since October 28, 2011, up to and including November 2, 2015, and up to \$53,484 for violations occurring after November 2, 2015 (and assessed after January 15, 2018). In addition to civil penalties, CBE will seek injunctive relief preventing further violations of the Act pursuant to Sections 505(a) and (d) (33 U.S.C. § 1365(a) and (d)) and such other relief as permitted by law. Lastly, Section 505(d) of the Act (33 U.S.C. § 1365(d)), permits prevailing parties to recover costs and fees, including attorneys' fees.

CBE believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. CBE intends to file a citizen suit under Section 505(a) of the Act against LADWP and its agents for the above-referenced violations upon the expiration of the 60-day notice period. However, during the 60-day notice period, CBE would be willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, CBE suggests that you initiate those discussions within the next 20 days so that they may be completed before the end of the 60-day notice period. CBE does not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,



Douglas J. Chermak  
Lozeau Drury LLP  
Attorneys for Communities for a Better Environment

**SERVICE LIST – via certified mail**

Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Eileen Sobeck, Executive Director  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

U.S. Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530-0001

Mike Stoker, Regional Administrator  
U.S. EPA – Region 9  
75 Hawthorne Street  
San Francisco, CA, 94105

Deborah Smith, Executive Officer II  
Los Angeles Regional Water Quality Control Board  
320 West Fourth Street, Suite 200  
Los Angeles, CA 90013

**ATTACHMENT A**  
**Alleged Rain Dates, Harbor Generating Station, Wilmington, CA**

	5/6/2016	2/26/2018
4/26/2014	10/17/2016	2/27/2018
11/1/2014	10/24/2016	3/2/2018
11/2/2014	11/20/2016	3/3/2018
11/30/2014	11/21/2016	3/10/2018
12/2/2014	11/26/2016	3/11/2018
12/3/2014	11/27/2016	3/15/2018
12/12/2014	12/15/2016	3/21/2018
12/16/2014	12/16/2016	3/22/2018
12/17/2014	12/21/2016	10/12/2018
1/10/2015	12/22/2016	10/13/2018
1/11/2015	12/23/2016	11/22/2018
1/27/2015	12/24/2016	11/29/2018
2/22/2015	12/30/2016	11/30/2018
2/23/2015	1/5/2017	12/6/2018
3/1/2015	1/9/2017	1/5/2019
3/2/2015	1/10/2017	1/6/2019
3/3/2015	1/11/2017	1/7/2019
4/7/2015	1/12/2017	1/12/2019
5/8/2015	1/19/2017	1/14/2019
5/14/2015	1/20/2017	1/15/2019
5/15/2015	1/22/2017	1/16/2019
7/18/2015	1/23/2017	1/17/2019
7/19/2015	2/3/2017	1/31/2019
9/15/2015	2/6/2017	2/2/2019
12/19/2015	2/7/2017	2/3/2019
12/22/2015	2/10/2017	2/4/2019
1/5/2016	2/11/2017	2/5/2019
1/6/2016	2/17/2017	2/10/2019
1/7/2016	2/18/2017	2/13/2019
1/31/2016	4/8/2017	2/14/2019
2/17/2016	5/7/2017	3/2/2019
2/18/2016	11/5/2017	3/6/2019
3/6/2016	1/8/2018	
3/7/2016	1/9/2018	
3/11/2016	2/13/2018	

Notice of Violations and Intent to File Suit